

EPC COMMISSION MINUTES & AGENDA

MONTH July

YEAR 1993

RECORD COPY *EPC Meeting*
File Name ADM-1-1-1 July 1993
Senders Initials JL

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JULY 19, 1993

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, July 19, 1993, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Gary Priebe
Clark Yeager

MEMBERS ABSENT

Verlon Britt
Nancylee Siebenmann
Margaret Prah

Larry Wilson stated that Verlon Britt and Nancylee Siebenmann phoned to say they will not be able to attend the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Items 13, 14 and 24 which will be taken up at a future meeting

Motion was made by William Ehm to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Director Wilson stated that when Nancylee Siebenmann phoned to say she will not be at the meeting she suggested corrections be made to the minutes on pages 46 & 48.

The following adjustments were made to the minutes:

- Page 46, first sentence in last paragraph, strike the words "of whether it is Harlan Pruess as an individual or," and insert the words "that it was"
- Page 48, fourth paragraph - "did" should be changed to "do"
- Page 48, second paragraph - correct spelling of "quthority" to "authority"

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Motion was made by Charlotte Mohr to approve the meeting minutes of June 21, 1993, as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Larry Wilson, Director, reviewed that due to the disaster caused by the flood there is no running water or air conditioning in the building. He noted options that are available as far as lunch, beverages, etc. Mr. Wilson pointed out that Allan Stokes placed an Advisory Memo at each Commissioner's work station addressing the department's position on the handling of flood debris/waste. He related that it may be helpful to the Commission in answering questions from the public.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached for commission review is the 6/30/93 division level expenditure report and the FY94 DNR operations budget by program.

The 6/30/93 division level expenditure report shows the total salaries for FY93. However, for the related support areas, the report generally shows expenditures through eleven months of the fiscal year.

A program level summary of the FY94 operations budget, with sub-totals by division, is presented for commission review. As the budget request for FY95 and FY96 is prepared this summer, additional detail related to FY94 will be provided. Adjustments relative to FY94 are probable as expenditure and revenue estimates are reviewed as part of the budget request preparation process.

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 06/30/93					PAGE 1
	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	71,172.71	462,031.11	1,021,017.00	38,986.00-	1,021,017.00
201 IN-STATE TRAVEL	3,039.27	29,046.00	52,150.00	24,105.00-	52,150.00
203 STATE VEHICLE OPERATION	685.42	5,346.00	7,931.00	2,585.00-	7,931.00
204 STATE VEHICLE DEPRECIATION	1,310.00	7,860.00	12,450.00	4,590.00-	12,450.00
205 OUT-STATE TRAVEL	108.00	6,921.57	8,500.00	1,579.00-	8,500.00
301 OFFICE SUPPLIES	616.38	65,386.80	84,050.00	18,663.00-	84,050.00
302 FACILITY MAINTENANCE SUPP	0.00	157.21	2,000.00	1,842.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	193.32	3,636.07	6,850.00	3,214.00-	6,850.00
308 OTHER SUPPLIES	13,308.00	40,202.34	65,030.00	24,827.00-	65,030.00
309 PRINTING & BINDING	20,885.31	274,372.34	263,843.00	10,529.00-	263,843.00
311 UNIFORMS & RELATED ITEMS	650.76	107.94	600.00	47.00-	600.00
401 COMMUNICATIONS	2,799.17	20,237.66	24,200.00	3,962.00-	24,200.00
402 RENTALS	15.00	302.50	500.00	198.00-	500.00
403 UTILITIES	8.21	152.26	750.00	598.00-	750.00
405 PROF & SCIENTIFIC SERVICE	33,540.00	46,874.99	48,200.00	1,325.00-	48,200.00
406 OUTSIDE SERVICES	4,992.63	27,379.17	23,000.00	4,379.00-	23,000.00
410 DATA PROCESSING	7.00	6,457.20	13,450.00	6,993.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	235.00	1,228.90	5,975.00	4,746.00-	5,975.00
501 EQUIPMENT	1,335.53	17,386.81	14,400.00	2,987.00-	14,400.00
602 OTHER EXPENSES & OBLIGATI	0.00	367.00	0.00	367.00	0.00
621 BACK PAY INTEREST	0.00	359.37	0.00	359.00	0.00
DIVISION TOTAL	160,894.78	1,486,812.73	1,660,896.00	174,083.00-	1,660,896.00

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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	174,700.08	3,754,204.61	4,067,986.00	113,782.00-	4,067,986.00
202 IN-STATE TRAVEL	3,820.74	31,476.00	51,800.00	20,324.00-	51,800.00
203 STATE VEHICLE OPERATION	6,935.30	46,828.52	60,500.00	13,672.00-	60,500.00
204 STATE VEHICLE DEPRECIATION	11,375.00	70,680.00	74,200.00	3,520.00-	74,200.00
205 OUT-STATE TRAVEL	1,577.95	4,665.34	2,300.00	2,366.00	2,300.00
301 OFFICE SUPPLIES	18,044.84	295,978.21	322,100.00	26,122.00	322,100.00
302 FACILITY MAINTENANCE SUPP	103.77	12,838.89	31,000.00	18,161.00-	31,000.00
303 EQUIPMENT MAINTENANCE SUPP	3,427.59	60,775.37	48,500.00	12,275.00	48,500.00
306 OTHER SUPPLIES	5,908.16	21,473.51	13,100.00	8,373.00	13,100.00
309 PRINTING & BINDING	1,219.70	17,245.15	13,500.00	3,745.00	13,500.00
311 UNIFORMS & RELATED ITEM	935.50	1,302.49	2,000.00	697.51	2,000.00
401 COMMUNICATIONS	21,215.35	83,511.26	93,100.00	9,588.74	93,100.00
402 RENTALS	0.00	128.25	500.00	371.75	500.00
406 OUTSIDE SERVICES	50,370.94	89,000.44	39,400.00	49,600.00	39,400.00
408 ADVERTISING & PUBLICITY	153.70	153.70	500.00	346.30	500.00
410 DATA PROCESSING	35,300.16	202,548.18	107,500.00	95,048.00-	107,500.00
412 AUDITOR OF STATE REIMBURS	0.00	95,734.09	150,000.00	54,266.00-	150,000.00
414 REIMBURSEMENTS TO OTHER A	502.50	107,135.26	43,500.00	63,635.00-	43,500.00
501 EQUIPMENT	24,897.96	197,846.09	213,500.00	15,653.00-	213,500.00
602 OTHER EXPENSES & OBLIGATI	91,250.00	547,557.24	750,007.00	202,450.00-	750,007.00
621 BACK PAY INTEREST	0.00	2,177.27	0.00	2,177.00	0.00
909 CAPITALS	3,439.02	3,439.02	0.00	3,439.00	0.00
7 DIVISION TOTAL	555,179.26	5,646,798.90	6,085,593.00	438,794.00-	6,085,593.00

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IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 06/30/93

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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PROF. & RECREATION DIV.					
101 PERSONAL SERVICES	55,401.00	5,513,611.00	5,697,167.00	183,556.00	5,697,167.00
202 IN-STATE TRAVEL	1,801.00	45,890.66	69,250.00	23,359.00	69,250.00
203 STATE VEHICLE OPERATION	21,027.04	187,830.73	200,270.00	12,440.00	200,270.00
204 STATE VEHICLE DEPRECIATION	50,575.00	293,680.00	287,400.00	6,280.00	287,400.00
205 OUT-STATE TRAVEL	0.00	3,040.64	7,850.00	4,809.36	7,850.00
301 OFFICE SUPPLIES	2,569.20	36,621.67	45,700.00	9,078.00	45,700.00
302 FACILITY MAINTENANCE SUPP	31,059.77	411,485.84	460,300.00	48,815.00	460,300.00
303 EQUIPMENT MAINTENANCE SUPP	41,782.00	266,772.74	290,750.00	23,978.00	290,750.00
307 AG. CONSERVATION & PROF.	2,005.00	6,121.46	21,500.00	15,379.00	21,500.00
308 PRINT. & BINDING	1,221.00	12,849.00	42,694.00	29,845.00	42,694.00
311 UNIFORMS & RELATED ITEM	1,000.00	1,731.70	34,500.00	32,768.00	34,500.00
401 COMMUNICATIONS	10,228.25	19,973.74	55,602.00	35,628.00-	55,602.00
402 RENTALS	4,636.74	83,996.47	105,002.00	21,005.00	105,002.00
403 UTILITIES	2,505.67	26,804.89	29,850.00	3,045.00-	29,850.00
405 PROF. & SCIENTIFIC SERVICE	19,632.82	345,177.75	380,951.00	35,773.00-	380,951.00
406 OUTSIDE SERVICES	0.00	33,771.72	83,911.00	50,139.00-	83,911.00
408 ADVERTISING & PUBLICITY	25,407.46	171,628.21	185,352.00	13,724.00-	185,352.00
410 DATA PROCESSING	0.00	1,211.84	2,050.00	839.00-	2,050.00
412 AUDITOR OF STATE REIMBURS	0.00	2,650.73	10,000.00	7,349.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	110.00	3,300.13	1,750.00	1,550.00	1,750.00
501 EQUIPMENT	9,657.10	169,303.48	128,000.00	41,303.00	128,000.00
602 OTHER EXPENSES & OBLIGATI	25.00	3,505.65	2,000.00	1,506.00	2,000.00
621 BACK PAY INTEREST	0.00	365.53	0.00	364.00	0.00
700 LICENSES	21.00	236.00	498.00	262.00-	498.00
909 CAPITALS	2,651.76	2,651.76	0.00	2,652.00	0.00
8 DIVISION TOTAL	841,661.40	7,706,304.46	8,142,347.00	436,043.00-	8,142,347.00

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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	177,693.31	1,770,960.34	1,934,480.00	163,519.00-	1,934,480.00
202 IN-STATE TRAVEL	2,311.36	35,934.34	40,000.00	4,065.00-	40,000.00
203 STATE VEHICLE OPERATION	2,931.73	75,850.60	85,500.00	9,649.00-	85,500.00
204 STATE VEHICLE DEPRECIATION	21,750.00	122,255.00	144,120.00	21,865.00-	144,120.00
205 OUT-STATE TRAVEL	0.00	1,670.38	5,000.00	3,330.00-	5,000.00
301 OFFICE SUPPLIES	2,154.44	21,264.24	22,500.00	1,235.00-	22,500.00
302 FACILITY MAINTENANCE SUPP	5,054.50	39,611.01	39,000.00	611.00	39,000.00
303 EQUIPMENT MAINTENANCE SUPP	2,854.62	41,828.70	58,500.00	16,670.00-	58,500.00
304 PROF. & SCIENTIFIC SUPPL	0.00	486.30	0.00	486.00	0.00
307 AG. CONSERVATION & PROF.	2,825.26	119,113.32	88,723.00	30,390.00	88,723.00
308 OTHER SUPPLIES	1,087.66	32,410.70	48,500.00	16,090.00-	48,500.00
309 PRINTING & BINDING	1,605.00	9,874.30	15,600.00	5,725.00-	15,600.00
312 UNIFORMS & RELATED ITEM	3,251.66	8,239.35	17,475.00	9,235.00-	17,475.00
401 COMMUNICATIONS	3,720.00	30,511.45	39,400.00	8,889.00-	39,400.00
402 RENTALS	3,660.85	2,687.20	37,000.00	34,312.00-	37,000.00
403 UTILITIES	2,531.53	29,020.88	31,800.00	2,779.00-	31,800.00
405 PROF. & SCIENTIFIC SERVICE	0.00	3,120.75	0.00	3,121.00	0.00
406 OUTSIDE SERVICES	5,764.70	1,476.26	41,500.00	28,696.00	41,500.00
408 ADVERTISING & PUBLICITY	0.00	922.51	1,000.00	78.00-	1,000.00
410 DATA PROCESSING	0.00	1,476.26	1,600.00	124.00-	1,600.00
412 AUDITOR OF STATE REIMBURS	0.00	746.00	300.00	446.00	300.00
414 REIMBURSEMENTS TO OTHER A	13,194.07	68,443.64	92,369.00	23,926.00-	92,369.00
501 EQUIPMENT	0.00	18.32	0.00	18.00	0.00
602 OTHER EXPENSES & OBLIGATI	0.00	389.00	0.00	389.00	0.00
621 BACK PAY INTEREST	0.00	0.00	0.00	0.00	0.00
7 DIVISION TOTAL	277,196.50	2,527,030.45	2,744,367.00	217,336.00-	2,744,367.00

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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESEARCH					
101 PERSONAL SERVICES	105,741.10	2,356,635.13	2,455,144.00	98,510.00	2,455,144.00
202 IN-STATE TRAVEL	1,612.00	22,705.91	38,139.00	15,430.00	38,139.00
203 STATE VEHICLE OPERATION	1,430.00	18,686.69	23,550.00	4,863.00	23,550.00
204 STATE VEHICLE DEPRECIATION	4,370.00	28,280.00	33,570.00	5,290.00	33,570.00
205 OUT-STATE TRAVEL	1,847.36	23,604.37	28,100.00	4,497.00	28,100.00
301 OFFICE SUPPLIES	975.48	27,755.75	15,199.00	12,557.00	15,199.00
302 FACILITY MAINTENANCE SUPP	89.74	323.36	4,350.00	4,026.00	4,350.00
303 EQUIPMENT MAINTENANCE SUPP	0.00	7,345.70	17,153.00	9,804.00	17,153.00
304 PROF. & SCIENTIFIC SUPP	220.44	636.46	2,200.00	1,564.00	2,200.00
308 OTHER SUPPLIES	3,152.62	20,243.76	2,259.00	8,014.00	2,259.00
309 PRINTING & BINDING	1,952.11	14,981.77	45,700.00	30,716.00	45,700.00
401 COMMUNICATIONS	1,231.01	31,974.92	750.00	1,777.00	33,750.00
402 RENTALS	51.00	1,630.00	400.00	770.00	2,400.00
403 UTILITIES	523.71	16,352.53	2,720.00	3,632.00	12,720.00
405 PROF. & SCIENTIFIC SERVICE	60,251.10	544,345.41	1,180,382.00	636,035.00	1,180,382.00
406 OUTSIDE SERVICES	17,995.27	38,499.12	31,945.00	6,553.00	31,945.00
410 DATA PROCESSING	0.00	11,612.06	16,600.00	4,988.00	16,600.00
414 REIMBURSEMENTS TO OTHER A	0.00	8,125.62	5,920.00	2,207.00	5,920.00
501 EQUIPMENT	4,119.17	58,218.75	81,710.00	23,493.00	81,710.00
602 OTHER EXPENSES & OBLIGATI	0.00	6,723.00	0.00	6,723.00	0.00
621 BACK PAY INTEREST	0.00	477.82	0.00	477.00	0.00
7 DIVISION TOTAL	272,987.41	3,248,156.13	4,065,888.00	817,726.00	4,065,888.00

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IOWA DEPARTMENT OF NATURAL RESOURCES
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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	566,035.00	1,156,811.11	631,564.00	447,883.00	1,156,811.11
202 IN-STATE TRAVEL	4,950.90	41,211.11	111,970.00	64,557.00	111,970.00
203 STATE VEHICLE OPERATION	7,347.44	42,843.11	56,500.00	15,657.00	56,500.00
204 STATE VEHICLE DEPRECIATION	10,130.00	61,740.00	65,000.00	3,260.00	65,000.00
205 OUT-STATE TRAVEL	4,807.74	46,449.86	94,500.00	48,050.00	94,500.00
301 OFFICE SUPPLIES	4,358.54	69,563.23	66,300.00	3,264.00	69,500.00
302 FACILITY MAINTENANCE SUPP	82.37	11,884.42	1,600.00	10,284.00	1,600.00
303 EQUIPMENT MAINTENANCE SUPP	1,466.29	8,898.42	8,300.00	598.00	8,300.00
308 OTHER SUPPLIES	3,155.57	25,629.40	36,550.00	10,920.00	36,550.00
309 PRINTING & BINDING	16,272.05	74,174.01	59,740.00	14,434.00	59,740.00
401 COMMUNICATIONS	988.21	2,138.31	2,500.00	361.00	2,500.00
402 RENTALS	13,310.26	120,001.99	24,736.00	95,265.00	120,000.00
403 UTILITIES	11,817.01	57,786.31	60,500.00	2,714.00	60,500.00
405 PROF. & SCIENTIFIC SERVICE	1,357.51	16,525.31	17,645.00	1,120.00	17,645.00
406 OUTSIDE SERVICES	216,554.06	921,591.66	730,845.00	190,746.00	921,591.66
408 ADVERTISING & PUBLICITY	11,030.62	81,566.95	10,200.00	71,366.95	10,200.00
410 DATA PROCESSING	400.26	3,540.78	2,500.00	1,040.00	2,500.00
414 REIMBURSEMENTS TO OTHER A	0.00	119,126.37	160,540.00	48,413.00	160,540.00
501 EQUIPMENT	280.00	19,313.99	24,580.00	5,266.00	24,580.00
602 OTHER EXPENSES & OBLIGATI	18,216.08	335,927.37	256,887.00	79,040.00	256,887.00
621 BACK PAY INTEREST	0.00	11,785.14	3,200.00	8,585.00	3,200.00
604 CAPITALS	0.00	696.08	0.00	696.00	0.00
7 DIVISION TOTAL	896,121.61	9,251,023.65	10,602,207.00	1,341,183.00	10,602,207.00

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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	1,007,136.50	12,224,084.89	12,386,876.00	152,791.00	12,386,876.00
202 IN-STATE TRAVEL	35,361.74	311,478.29	315,362.00	3,886.00	315,362.00
203 STATE VEHICLE OPERATION	74,086.23	477,871.51	457,079.00	20,792.00	457,079.00
204 STATE VEHICLE DEPRECIATION	113,680.00	686,465.00	731,387.00	44,922.00	731,387.00
205 OUT-STATE TRAVEL	1,827.97	34,340.20	29,000.00	5,340.00	29,000.00
301 OFFICE SUPPLIES	17,126.51	287,117.47	206,370.00	80,748.00	206,370.00
302 FACILITY MAINTENANCE SUPP	35,053.98	246,411.46	316,624.00	70,214.00	316,624.00
303 EQUIPMENT MAINTENANCE SUPP	38,997.30	321,479.64	343,527.00	22,048.00	343,527.00
307 AG. CONSERVATION & HORT. C	44,218.41	240,612.44	317,870.00	77,259.00	317,870.00
308 OTHER SUPPLIES	11,240.20	109,071.33	126,706.00	17,635.00	126,706.00
309 PRINTING & BINDING	1,878.11	109,085.35	126,706.00	17,635.00	126,706.00
401 COMMUNICATIONS	24,382.51	87,467.49	126,121.00	38,654.00	126,121.00
402 RENTALS	18,335.68	189,081.71	178,955.00	10,126.00	178,955.00
403 UTILITIES	2,029.43	49,085.79	60,592.00	11,506.00	60,592.00
405 PROF. & SCIENTIFIC SERVICE	15,757.34	204,621.99	220,370.00	15,749.00	220,370.00
406 OUTSIDE SERVICES	3,000.00	98,289.74	110,000.00	11,710.00	110,000.00
408 ADVERTISING & PUBLICITY	10,263.98	112,043.67	19,938.00	92,105.00	19,938.00
410 DATA PROCESSING	109.35	25,476.79	13,600.00	11,877.00	13,600.00
414 REIMBURSEMENTS TO OTHER A	372.00	48,480.82	41,200.00	7,280.00	41,200.00
501 EQUIPMENT	335.00	42,470.64	160,450.00	117,980.00	160,450.00
602 OTHER EXPENSES & OBLIGATI	37,546.96	425,926.19	342,545.00	83,381.00	342,545.00
621 BACK PAY INTEREST	0.00	1,649.21	205,600.00	203,951.00	205,600.00
701 LICENSES	0.00	5,158.68	0.00	5,158.00	0.00
904 CAPITALS	0.00	575.00	300.00	275.00	300.00
7 DIVISION TOTAL	1,497,109.34	16,342,712.84	16,905,651.00	562,944.00	16,905,651.00

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J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 06/30/93

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	TOTAL EXPENDITURES 06/01/93 - 06/30/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	55,408.01	653,915.65	726,618.00	72,702.00	726,618.00
202 IN-STATE TRAVEL	4,115.81	24,394.36	31,600.00	7,205.00	31,600.00
203 STATE VEHICLE OPERATION	9.77	9.77	0.00	10.00	0.00
205 OUT-STATE TRAVEL	656.00	13,533.79	22,500.00	8,967.00	22,500.00
301 OFFICE SUPPLIES	133.22	9,487.59	7,910.00	1,587.00	7,910.00
302 FACILITY MAINTENANCE SUPP	0.00	752.34	270.00	482.00	270.00
303 EQUIPMENT MAINTENANCE SUPP	0.00	364.25	250.00	114.00	250.00
306 OTHER SUPPLIES	127.97	8,193.16	15,749.00	7,557.00	15,749.00
309 PRINTING & BINDING	184.30	19,523.55	65,000.00	45,476.00	65,000.00
401 COMMUNICATION	1,486.01	19,426.74	24,655.00	5,228.00	24,655.00
405 PROF & SCIENTIFIC	2,104.44	120,558.51	178,907.00	58,348.00	178,907.00
406 OUTSIDE SERVICE	743.94	12,006.91	5,160.00	6,846.00	5,160.00
410 DATA PROCESSING	0.00	3,305.74	7,480.00	4,175.00	7,480.00
414 REIMBURSEMENTS TO OTHER	811.25	12,439.47	18,150.00	5,710.00	18,150.00
501 EQUIPMENT	1,445.73	26,722.12	34,610.00	7,889.00	34,610.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,985.00	4,500.00	485.00	4,500.00
671 BACK PAY INTEREST	0.00	75.42	0.00	75.00	0.00
DIVISION TOTAL	66,827.73	929,704.95	1,143,359.00	213,656.00	1,143,359.00

FY94SUMM.XLS

Iowa Department of Natural Resources FY94 Operations Budget, Summary and History

Program	FY91 Actual	FY92 Actual	FY93 Act/Est	FY94 Budget
Director & Related				
Director's Office & Commission	291,647	255,686	293,000	342,610
Planning Bureau	218,976			
Legal Bureau	339,694	334,825		
Govt Liaison	444,121	483,553		
Policy Coordination			120,000	126,028
Information & Education Bureau	1,485,922	1,173,290	1,100,000	1,243,489
REAP Congress			7,500	22,000
REAP Coordination	77,022	78,839		
Coord. & Information Mngt	79,884	73,764		
Total, Director & Related	3,036,366	2,399,957	1,520,500	1,734,127

Note: C&I Division, including planning & legal functions reorganized and transferred to other divisions or decreased.

Administrative Services				
Budgets & Grants Bureau	303,076	286,665	342,000	350,712
Accounting Bureau	597,012	731,657	730,000	756,611
Administrative Support Bureau	1,777,937	1,339,106	1,460,000	1,459,537
Data Processing Bureau	636,778	535,471	740,000	725,262
Licensing Bureau	223,632	242,585	270,000	273,127
Construction Services Bureau	1,350,388	888,156	835,000	789,589
Land Acquisition & Mngt	389,383	407,391	445,000	450,465
ASD Division Mngt & Misc.	157,282	163,341	150,000	105,930
Central Services Indirect Chgs			556,500	550,000
Total, Admin Services Divi	5,235,488	4,694,172	5,528,500	5,561,233

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Program	FY91 Actual	FY92 Actual	FY93 Act/Est	FY94 Budget
Parks, Preserves & Recreation				
Park & Recreation Areas:				
NW District	1,621,906	1,594,906	1,780,000	1,686,618
NE District	1,313,777	1,314,178	1,350,000	1,443,558
SW District	1,680,340	1,830,562	1,920,000	2,022,955
SE District	1,748,428	1,716,666	1,750,000	1,820,659
Cedar Rock	94,272	102,121	103,000	121,999
Trails, & Special Programs	164,834	128,273	80,000	70,810
Parks Bureau Mngt	403,945	215,568	256,000	274,591
Total Parks Mngt Bureau	7,027,502	6,902,274	7,239,000	7,441,190
Recreation Bureau	104,908	283,150	290,000	286,131
Preserves & Ecological Service	261,614	299,206	224,000	282,342
Division Mngt & Miscellaneous	79,657	128,799	93,000	98,991
Total, PPR Division	7,473,681	7,613,429	7,846,000	8,108,654

Forests & Forestry				
State Nursery	641,056	738,092	666,000	724,497
State Forests Operations	718,942	683,336	773,000	838,231
Farm Forestry	724,633	692,521	727,000	758,439
Utilization & Marketing	56,941	58,455		
Fire Protection	154,970	24,762		
Div Mngt & Special Programs	372,929	344,084	406,000	463,529
Total, Forestry & Forests	2,569,471	2,541,250	2,572,000	2,784,696

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Program	FY91 Actual	FY92 Actual	FY93 Act/Est	FY94 Budget
Energy & Geological Resources				
Energy Bureau:				
Enrgy Res. Biomass & Ext.	316,942	195,211	211,000	275,504
SIFIC A&B	161,309	114,809	138,000	177,340
Institutional Conservation P	45,443	51,836	40,000	317,377
Schools & Local Govt. COC	384,429	314,141	371,000	406,488
Energy Tech and Demo Project	155,066	106,164	172,000	299,525
Greenhouse Gas Soil Project				63,000
DOE Training Grant		40,063	3,390	
Energy Bureau Mngt	91,891	57,106	66,000	71,509
Total Energy Bureau	1,155,080	879,330	1,001,690	1,612,571

Geological Survey Bureau:				
Environmental Geology	202,906	155,245	155,000	175,682
Geology & Mineral Resources	386,610	338,392	370,000	373,692
Water Resources	185,719	183,115	228,000	288,211
USGS Cooperative Program	197,750	180,868	216,249	160,044
319 Planning (Water Quality)		62,525	65,000	181,842
NCRDS & Coal Related	19,096	37,536	17,900	29,008
Groundwater Monitoring	260,594	191,769	45,000	
Demo Projects (Big Springs, Manson Crater Site)	1,091,513	627,283	339,000	339,568
Geographical Info. System	233,471	341,292	308,000	373,719
Pollution Prevention Studies	19,265	167,617	78,100	65,977
Bureau Mngt. & Miscellaneous	235,195	228,566	190,000	263,078
Total Geological Survey	2,832,119	2,551,570	2,067,249	2,250,821
E&G Division Mngt	81,125	77,265	86,000	85,784
Total, Energy & Geology D	4,068,324	3,508,165	3,154,939	3,950,178

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Program	FY91 Actual	FY92 Actual	FY93 Act/Est	FY94 Budget
Environmental Protection				
Water Quality Bureau:				
Construction Grants, SRF, Etc	958,391	1,039,139	975,000	1,010,783
Groundwater Grant Admin	64,592	60,411	34,000	35,979
Stormwater/Sewage Overflow			160,000	39,090
205J Pollution Planning Rela	235,586	106,478	77,000	29,500
319 Pollution Implementation	232,325	324,315	372,000	1,181,973
Lake Assessment Projects	37,309	10,000	10,000	161,233
Geographical Info. System	8,680	71,986	5,500	
604B Water Quality Planning	257,657	245,596	200,000	221,041
Floodplain Monitoring	313,807	275,144	273,000	274,641
Water Supply	565,464	685,434	740,000	677,785
Water Rights & Permits	89,202	32,846	108,000	113,697
Miscellaneous	44,303	8,319	10,000	121,249
Total, Water Quality Bureau	2,807,516	2,909,668	2,964,500	3,866,971
Air Quality Bureau:				
Air Quality Program	797,720	880,594	367,000	1,117,642
Air Toxics Program		38,742	497,000	499,507
Total Air Quality Bureau	797,720	919,336	1,364,000	1,617,149
Land Quality Bureau:				
Emergency Response Unit	136,796	156,396	156,000	162,971
Waste Management Program	392,099	630,221	396,000	398,567
UST/LUST	722,525	718,163	790,000	1,075,353
Hazardous Waste Siting	181,033	188,748	228,000	264,398
Remedial Coordination	32,037	28,924	30,500	62,511
Superfund/Multi-Site/Aidex	290,823	210,086	220,400	240,511
Misc. Related Projects		27,228	14,000	59,661
Total, Land Quality Bureau	1,755,313	1,959,766	1,824,900	2,264,572
Compliance & Enforcement Bureau:				
LUST Cleanup-Field	129,684	362,540	350,000	368,578
Air Quality-Field	190,388	219,669	244,000	278,126
Wastewater-Field	1,195,859	1,210,613	1,295,000	1,502,574
Water Supply-Field	201,047	182,679	254,000	344,849
Waste Mngt-Groundwater	225,546	394,568	460,000	438,200
Bureau Mngt & Office Expense	129,055	258,153	445,000	460,723
Total, Compliance & Enf.	2,471,579	2,628,222	3,048,000	3,393,160
EPD Division Management	79,079	80,811	102,000	128,830
Total, EPD Division	2,921,207	3,557,803	5,313,400	5,270,682

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Program	FY91 Actual	FY92 Actual	FY93 Act/Est	FY94 Budget
Fish and Wildlife Division				
Law Enforcement Bureau:				
NW District	661,801	691,084	736,000	762,724
NE District	921,548	904,729	1,006,000	1,010,692
SW District	593,165	616,470	672,000	668,624
SE District	732,282	342,023	384,000	315,175
NC District	580,348	620,504	680,000	672,310
SC District	701,717	728,442	784,000	776,700
Hunter Safety	254,304	327,438	315,000	286,981
Boating Safety	139,326	153,689	201,000	176,618
Snowmobile Safety	60,287	76,506	80,000	61,710
Bureau Management	226,601	261,724	250,000	500,286
Total, Law Enforcement	4,872,379	5,182,609	5,608,000	5,730,820

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Fisheries Bureau:				
Big Springs Hatchery	178,652	173,774	196,000	222,015
Decorah Hatchery	181,716	197,670	207,000	210,066
Fairport Hatchery	155,031	159,308	128,000	154,838
Manchester Hatchery	197,670	190,310	210,000	215,668
Rathbun Hatchery	344,824	383,178	400,000	448,561
Spirit Lake Hatchery	187,800	301,733	300,000	353,243
NW Fish Mngt	401,856	457,267	495,000	568,286
NE Fish Mngt	468,879	492,624	521,000	584,634
SW Fish Mngt	376,147	382,230	419,000	444,027
SE Fish Mngt	393,503	422,211	465,000	460,930
Mississippi Monitoring Proje	275,044	307,000	300,000	339,136
Fish Research (All Locations)	636,329	658,155	723,000	757,944
Bureau Mngt & Misc	430,210	475,789	493,000	568,098
Total, Fisheries Bureau	4,431,665	4,601,249	4,857,000	5,297,446
Wildlife Bureau				
NW District Area Mngt	761,976	720,870	860,000	896,229
NE District Area Mngt	706,077	759,165	805,000	848,155
SW District Area Mngt	762,778	762,082	836,000	852,204
SE District Area Mngt	855,812	822,706	926,000	1,019,552
Corps Reserviors Maint.	181,472	215,540	248,000	229,154
Wildlife Research (All Locat	709,494	711,322	699,000	771,137
Non-Game Program	209,861	185,776	235,000	226,033
Wildlife Bureau Mngt	832,391	855,376	1,012,000	1,212,291
Total, Wildlife Bureau	5,019,861	5,033,337	5,621,000	6,054,755
FW Division Management	242,427	456,093	215,000	520,488
Total, Fish & Wildlife Di	14,566,332	15,273,288	16,301,000	17,403,509

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Program	FY91 Actual	FY92 Actual	FY93 Act/Est	FY94 Budget
Waste Mngt. Assistance Div.				
Planning and Grants Mngt	355,305	93,968	230,000	236,424
Recycling & HHW	32,747	178,721	296,000	324,624
Waste Reduction Assistance	109,658	120,035	126,000	160,222
Waste Reduction	68,112	103,163	32,500	169,756
Hospital Pollution Prevention				16,200
Division Mngt & Miscellaneous	100,694	178,524	242,300	194,542
Total, Waste Mngt Assistan	727,116	674,411	926,800	1,101,828
Total, All Divisions, Operatio	45,697,985	45,262,675	47,163,139	52,114,907

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Mr. Kuhn explained that there are two parts to the financial report, the first being the status report and the second being a program level summary of the FY 94 operations budget. He noted that during the next several months staff will be in the process of preparing the FY 95-96 budget request and will answer any questions the Commission may have.

INFORMATIONAL ONLY

UNDERGROUND STORAGE TANK REMEDIAL CONTRACT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

E93Jul-8

The Director requests approval for the award of Contract No. 94-7332-02. Four sealed proposals were received on April 27, 1993. The selection review committee's recommendation for contact award is based on a technical and cost review of the proposals. The table is a summary of the results of that review:

This project involves conducting a site investigation of the petroleum contamination at the above mentioned location. This investigation will include (1) identifying the source or sources of the petroleum contamination, (2) determining the vertical and horizontal extent of the petroleum contamination in the soils and groundwater, (3) determining risk classification, and (4) preparing an SCR. This project is 90% funded by the LUST Trust Fund and 10% funded by the state fund.

Consultant	Proposal Score	Cost Score	Total Score	Cost
Terracon Environmental	60	22	82	\$26,728
GeoTek Engineering	60	13	73	\$53,268
Hanson Engineers	51	16	67	\$33,747
Environmental Safety & Services, Inc	43	12	55	\$60,881

The selection review committee recommends awarding this contracting to Terracon Environmental. The contractor will perform the work called for in the contract on a time and materials basis. The contractor will receive compensation for all services and work performed up to a ceiling price of \$26,728.

Mr. Kuhn reviewed the project proposals and noted that the department recommends awarding the contract to Terracon Environmental.

Motion was made by William Ehm to approve Award of Contract No.-7332-02 for Site Investigation at a former gas station in Climbing Hill, Iowa to Terracon Environmental. Seconded by Rozanne King.

Brief discussion followed and Mr. Kuhn indicated that it is not unusual to recommend someone in the low-middle end of the scale. He related that in this case it is a very reputable firm and a very good price.

Motion carried unanimously.

CONTRACT APPROVED AS PRESENTED

SELECTION OF CONTRACTOR FOR FY 94 TOXIC CLEANUP DAYS

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Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Proposals were solicited from thirty-three hazardous waste firms that previously indicated their interest in handling toxic waste cleanup events. Of these thirty-three, ten submitted proposals for the 1994 Fiscal Year Toxic Cleanup Days. The ten hazardous waste firms that responded are listed below:

APTUS Environmental Services
Lakeville, MN
AWS - Atlantic Waste Systems, Inc.
Virginia Beach, VA
Chemical Waste Management, Inc.
Geneva, IL
Clean Harbors
Chicago, IL
Dynex
St. Paul, MN
Green Alternatives, Inc.
St. Louis, MO
Heritage Environmental Services
Indianapolis, IN
Laidlaw Environmental Services of Illinois, Inc.
Pecatonica, IL
Rollins Chempack, Inc.
Bensenville, IL
Superior Environmental Services
Sheboygan, WI

After careful evaluation, the top two firms were selected from the ten proposals that were submitted for consideration. The two firms and their quotes on a hypothetical cleanup day event are as follows:

APTUS Environmental Services	20,497
Heritage Environmental Services, Inc.	24,544

Upon further review of proposals from Heritage Environmental Services and APTUS Environmental Services, Heritage Environmental provided a more complete document. Heritage included a proposed site layout, handling of non-hazardous materials and a contingency plan for waste not licensed to handle. APTUS on the other hand, failed to provide the above items and will handle non-hazardous waste as hazardous waste materials.

The proposals are evaluated on a number of criteria, ability to adequately staff the collection sites, provide proper safety measures and cost. The criteria used to evaluate the contractor

proposals is attached. Cost was evaluated by a schedule of fees and a cost estimate for a hypothetical collection event (provided in the RFP).

Although the APTUS bid was lower for the hypothetical event, it was not consistently lower than Heritage on the schedule of fees (e.g. drums, safety equipment, absorbent materials).

The total cost of the collection events is estimated to be up to \$436,500. The Department will pay up to \$ 382,200 of this cost, with the remainder of the cost being paid by the local communities. The Toxic Cleanup Day schedule for this Fall is as follows:

September 11, 1993	Marion County Marion County Fairgrounds Knoxville, Iowa
	Mahaska County Mahaska County Recycling Facility Oskaloosa, Iowa
September 18, 1993	Lucas County Lucas County Shop Chariton, Iowa
	Monroe County Monroe County Fairgrounds Albia, Iowa
September 25, 1993	Emmet County Emmet County Fairgrounds Estherville, Iowa
	Mitchell County Mitchell County Fairgrounds Osage, Iowa
	Scott County Mississippi Valley Fairgrounds Davenport, Iowa
October 2, 1993	Cherokee County Cherokee County Fairgrounds Cherokee, Iowa
	Buena Vista County Harold Rowley Separation/Recycling Facility Storm Lake, Iowa

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Franklin County
Franklin County Fairgrounds
Hampton, Iowa

A draft scope of work for the contractor is attached. Approval for the director to enter into a contract with Heritage Environmental Services, Inc. is requested.

ARTICLE V. SCOPE OF WORK

5.1 The Contractor shall provide qualified personnel and sufficient equipment at each of the Toxic Cleanup Day sites for the identification, segregation, packaging and transportation of hazardous wastes. The Contractor shall be solely responsible for and provide adequate wastes. Local Organization staff shall be responsible for assisting Contractor staff in off-loading waste from vehicles to the final segregation and packaging area.

5.2 The Contractor shall accept wastes for transportation and disposal from individuals as designated by the representative of the Department at the site. A limit of 220 pounds or 25 gallons of waste will be accepted from each household except as directed by the Department or Local Organization representative. The Contractor shall accept waste only from urban rural residents. This service is not for businesses, city or county governments or schools.

5.3 The Contractor will not be responsible to accept the following wastes: Explosives shock sensitive materials, ammunition, unknowns, radioactive materials, or Freon 11 and 12.

5.4 The Local Organizations shall make appointments for citizens to deliver household hazardous wastes to the collection site. The Local Organizations will keep records of the number of appointments, estimate the types and quantities of household hazardous waste that will be delivered to the event and the citizens name and phone number. This information shall be made available to the Department and the Contractor.

5.5 The Contractor shall have staff available to assist the Department and Local Organizations with the appointment system. This assistance shall include providing technical assistance on disposal of household hazardous wastes. The Contractor shall assist the Department and Local Organizations in estimating the cost of disposing of household hazardous wastes that are scheduled by appointment to be delivered to the collection site, at the end of each appointment day or as otherwise requested.

5.6 The Contractor shall provide training the Department and Local Organization staff to include, at a minimum, training on the use of protective clothing, basic safety handling procedures for household hazardous waste, and basic safety procedures as referenced in Attachment B. The Contractor will provide an adequate supply of protective clothing for use by the Local Organization and Department staff.

5.7 A representative of the Department will inform the Contractor before the beginning of each Toxic Cleanup Day the amount of funding allocated to the specific site being serviced. The Department or Local Organization shall curtail operation upon the approximation of the allocation limit. The Service may continue if directed by the Department representative on site. If directed to continue Service beyond the original allocation limit, the Department or Local Organization will compensate the Contractor for any expenses incurred. The Contractor shall not incur costs to the Department or Local Organizations exceeding the total amount budgeted as stated in Article VIII. Section, - N Funding.

5.8 The Contractor shall be deemed to be the generator for the purpose of federal, state and local laws and regulations of all wastes accepted at the Toxic Cleanup Days.

5.9 The Contractor shall have a valid Environmental Protection Agency identification number as appropriate for generation, transportation and storage of hazardous and acutely hazardous wastes and approval for the wastes to be disposed of at EPA and Contractor approved disposal sites.

5.10 The Contractor shall have liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous and acutely hazardous waste transport, storage and disposal, including automobile liability, and legal defense costs, as evidenced by a certificate of insurance satisfactory to the Department delivered to the Department not later than fourteen (14) days prior to the beginning day of collection.

5.11 The Contractor shall package and manifest the waste collected each collection day by the end of the collection day if possible or by the end of the next day if the amount of waste collected requires more time for packing and manifesting. The Contractor shall transport the wastes from the site within 48 hours of the end of the final day of collection.

5.12 The title of all waste accepted by the Contractor at the site shall pass directly from the individual to the Contractor at the time of its acceptance.

5.13 The Contractor shall indemnify, hold harmless and defend the Department and Local Organizations from and against any liabilities, claims, penalties, fines, forfeitures, suits, and the costs and expenses incident thereto which may be alleged against the Department or Local Organizations or which the Department or Local Organizations may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations or orders, to the extent that such damage was caused by Contractor's negligent, willful or intentional act or omission, breach of contract or a failure of Contractor's warranties to be true, accurate or complete.

5.14 The Contractor's bid, in response to the Department's Request for Proposal for subject services is hereby incorporated as Attachment A.

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ARTICLE VI. Toxic Cleanup Day Schedule

September 11, 1992

Marion County
Marion County Fairgrounds
Knoxville, IA
Mahaska County
Old County Shop
Oskaloosa, IA

September 18

Lucas County
Lucas County Shop
Chariton, IA

Monroe County
Monroe County Fairgrounds
Albia, IA

September 25

Emmet County
Emmet County Fairgrounds
Estherville, IA

Mitchell County
Mitchell County Fairgrounds
Osage, IA

Scott County
Scott County Fairgrounds
Davenport, IA

October 2

Cherokee County
Cherokee County Fairgrounds
Cherokee, IA

Buena Vista County
Harold Rowley Separation/Recycling Facility
Storm Lake, IA

October 9

Franklin County
Franklin County Fairgrounds
Hampton, IA

E93Jul-14

Hardin County
Hardin County Fairgrounds
Eldora, IA

ARTICLE VII. REPORTS

7.1 The Contractor shall submit a copy of a final report describing all activities performed and a summary of wastes collected. This report shall include information as described in Article V, Scope of Work, and meet all Contractor requirements. Also included in the report shall be information on the amount of waste collected, (pounds, volumes, number and type of container, the type of waste (hazard or DOT classification), its disposal destination and disposal method utilized for the particular wastes. The weight of the containers and packaging for purposes of transportation or disposal. Definitions of all waste classification and disposal methods shall be included in the report. Information for the report shall be on a per site basis. Laidlaw shall submit a final report within thirty (30) days following the last collection event.

7.2 The Contractor shall furnish to the Department and Local Organizations a detailed and documented description of all prices and expenses for the Services.

7.3 The Contractor shall furnish copies of the hazardous waste manifests to the Department following the disposal of the wastes.

ARTICLE VIII. FUNDING

8.1 The Department and Local Organizations agree to pay Contractor for the Service in accordance with this Contract and with the cost schedule included in the proposal submitted by the Contractor. The Department and Local Organizations agree to pay Contractor for the services rendered up to the following limits:

A. Buena Vista County agrees to pay for the first \$2,000 of the cost of the service for the event in Buena Vista County.

B. Cherokee County Agrees to pay for the first \$1,500 of the cost of the Service for the event in Cherokee County.

C. Emmet County agrees to pay for the first \$3,000 of the cost of the Service for the event in Emmet County.

D. Franklin County agrees to pay for the first \$1,700 of the cost of the Service for the event in Franklin County.

E. Hardin County agrees to pay for the first \$3,000 of the cost of the Service for the event in Hardin County.

F. Lucas County agrees to pay for the first 3,000 of the cost of the Service for the event in Lucas County.

G. Mahaska County agrees to pay for the first \$2,500 of the cost of the Service for the event in Mahaska County.

H. Marion County agrees to pay for the first \$6,400 of the cost of the Service for the event in Marion County.

I. Mitchell County agrees to pay for the first \$5,000 of the cost of the Service for the event in Mitchell County.

J. Monroe County agrees to pay for the first \$1,200 of the cost of the Service for the event in Monroe County.

K. Scott County agrees to pay for the first \$50,000 of the cost of the Service for the event in Scott County.

M. The Department agrees to pay for the remaining costs of the service for the event in the counties of Buena Vista, Cherokee, Emmet, Franklin, Hardin, Lucas, Mahaska, Marion, Mitchell, Monroe, and Scott up to \$357,200. The Department may authorize the contractor to accept waste from counties other than the county in the above specified event at the discretion of the department up to an additional \$25,000 for the rendering of these services. The maximum amount the Department agrees to pay at its discretion is \$382,200.

N. The Department is presently taking proposals from counties for additional Toxic Cleanup Days, at a cost to be determined at a later date. The servicing of the additional Toxic Cleanup Days shall be on the same basis as set forth in this contract. The additional Toxic Cleanup Days shall be designated by May 1, 1994. In the event the Department decides not to proceed with the additional Toxic Cleanup Days to be specified by the above date, this provision of the contract shall be null and void.

8.2 A final bill for Services rendered as part of Toxic Cleanup Days shall be submitted by November 3, 1993, for collection events conducted during the Fall of 1993. A separate bill shall be sent to the Department and the Local Organizations. A bill for Services rendered for Spring 1994 events shall be sent to the Department and the Local Organizations by July 1, 1994.

8.3 The Department or the Local Organizations shall make payments to the Contractor within thirty (30) days of receipt of the final bill and receipt of the report.

8.4 The Department shall provide the Contractor with State of Iowa vouchers to be filled out with an original with three (3) carbonized vouchers underneath it.

8.5 The Department will be responsible for all costs not covered by Local Organizations as stated in Article VIII. for the Services rendered at the Toxic Cleanup events.

8.6 The Local Organizations shall be responsible for costs stated in Article VIII.

ARTICLE IX. Contract Distribution

9.1 Two master copies of the agreement will be furnished to the Contractor and the Department. Duplicate copies which will be considered as originals will be sent to each of the county participants.

Mr. Kuhn briefed the Commission on the selection process and criteria used in scoring the proposals. He related that staff recommendation is to hire Heritage Environmental Services.

Motion was made by Rozanne King to award the FY 94 Toxic Cleanup Days contract to Heritage Environmental Services. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

LANDFILL ALTERNATIVES GRANT PROGRAM APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Fifty (50) grant applications were received for consideration during the June, 1993, grant round. Applicants have requested over \$8.6 million dollars in grant fund assistance. Approximately \$2 million is available for allocation.

A summary of the proposals is attached for the Commission's information. Grant application review will be completed by the end of July, 1993, and awards will be announced by the middle of August. The first grant contracts will come to the Commission for approval in September.

LANDFILL ALTERNATIVES GRANT PROGRAM

JUNE 1993 GRANT APPLICATIONS RECEIVED

A total of 50 applications were received for consideration during the June 1993 grant round. These 50 applicants are requesting \$8,683,472.34 in grant assistance while \$2,000,000 is available for grant awards during this June 1993 funding period.

Applications Received By Applicant Type:

Local Government/Public

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Private For Profit	33
Private Not For Profit	8

Applications Received By Project Type:

Waste Reduction	4
Recycling/Reuse/Composting	44
Combustion With Energy Recovery	1
Combustion Without Energy Recovery	1

APPLICANT SUMMARY

APPLICATION 1: Lafarge Corporation

REQUEST: \$ 250,000

APPLICANT: Private For Profit, Ron Beltz, Engineering Manager

DESCRIPTION: This combustion with energy recovery project, located in the City of Buffalo, Scott County, proposes to burn whole tires in their cement kilns. Tires would be procured from eastern Iowa. Grant funds would primarily be utilized in the purchase of tire handling equipment, air emissions testing, and building modifications to accommodate this equipment.

APPLICATION 2: Universal-Rundle Corporation

REQUEST: \$ 201,000

APPLICANT: Private For Profit, Evan Kaffenes, Assistant Treasurer

DESCRIPTION: The proposed waste reduction project involves the purchase and installation of equipment that would allow the applicant to reduce the amount of waste generated through their manufacturing of fiberglass bathtubs, showers, and one-piece tub/shower units. Landfill diversion through waste reduction is estimated to be approximately 405 tons annually. The applicant facility is located in the City of Ottumwa, Wapello County, with headquarters in New Castle Pennsylvania.

APPLICATION 3: Aldan Lane Company

REQUEST: \$ 34,097

APPLICANT: Private For Profit, Cloyce Palmer, President

DESCRIPTION: The Kalona, Washington County based firm, proposes to purchase equipment that would allow greater volumes and increased efficiency in the production of plastic sheets primarily from postconsumer HDPE and LDPE. The project would serve as a market for plastics suppliers located in the Cities of Des Moines, Fort Dodge, Centerville, Cedar Rapids, Monticello, Manchester and most of eastern Iowa.

APPLICATION 4: Heritage Area Agency on Aging

REQUEST: \$ 62,880

APPLICANT: Private Not For Profit, Thomas Miskimen, Director

DESCRIPTION: The Cedar Rapids (Linn County) based agency, delivers meals to homebound persons in a six county region (Benton, Cedar, Johnson, Jones, Linn, and Washington Counties). During the past fiscal year, over 200,000 home delivered meals were served. Grant funds are requested to assist in the purchase of reusable meal trays, meal tray sanitizers, supplies, and to assist in the cost of delivery and personnel costs.

APPLICATION 5: Johnson County Recycling Center

REQUEST: \$ 104,376

APPLICANT: Private For Profit, Dennis Rogers, Owner

DESCRIPTION: A previous grantee located in the City of Coralville (Johnson County), is seeking funding assistance to expand the existing recycling center through construction of a building addition and the purchase of additional processing equipment. The recycling center currently serves, at a minimum, portions of Johnson and Iowa Counties.

APPLICATION 6: City of Waterloo

REQUEST: \$ 663,200

APPLICANT: Local Government, John Meyer, Public Works Director
Al Manning, Jr., Mayor

DESCRIPTION: The applicant, located in Black Hawk County, is proposing to implement a curbside and drop-off collection program for recyclable materials, contract for the operation of a material processing facility and materials marketing, and to implement a comprehensive public education campaign. Grant funds are requested to assist in the purchase of collection vehicles, curbside recycling bins, and building construction.

APPLICATION 7: H.A. Smith Recyclers, Inc.

REQUEST: \$ 53,500

APPLICANT: Private For Profit, Alvin J. Smith, Owner

DESCRIPTION: The applicant is located in Council Bluffs, Pottawattamie County and proposes to collect and purchase cardboard from the immediate area, bale, and ship the cardboard to Weyerhaeuser for use in their mill(s). Grant funds are requested for building construction and the purchase of equipment.

APPLICATION 8: Till's Tree/Stump Removal

REQUEST: \$ 239,000

APPLICANT: Private For Profit, Eldon Till, Owner

DESCRIPTION: Grant funds are requested for assistance in the purchase of equipment and a vehicle. The applicant proposes to shred and recycle large pieces of trees and stumps generated in the applicant's business as well as wood waste materials from factories and other places of business currently landfilling such materials. Shredded wood waste would be marketed as animal bedding to area farmers, and as mulch to nurseries, cemeteries, playgrounds, and parks. The applicant is located in Davenport, Scott County and proposes to serve Scott and surrounding counties.

APPLICATION 9: Hawkeye Wood Shavings, Inc..

REQUEST: \$ 225,000

APPLICANT: Private For Profit, Frank Sloan, Owner

DESCRIPTION: Grant funds are requested for the purchase of a secondary grinder. This piece of equipment would provide a more uniform shredded mulch product resulting in greater marketability of the shredded mulch. Markets include animal bedding, raw materials for finished wood products, and fuel blended with coal, for combustion. The applicant receives waste wood from companies statewide and other midwestern states. The applicant is located in the City of Des Moines, Polk County.

APPLICATION 10: Ron Cox Sanitation and Recycling

REQUEST: \$ 278,100

APPLICANT: Private For Profit, Ronald Cox, Owner

DESCRIPTION: The applicant is located in North English (Iowa County) and provides solid waste collection and recycling services in Iowa County, the northern portion of Keokuk County and three municipalities and rural areas in Washington County. The applicant is requesting grant fund assistance to construct a larger recyclable materials processing and storage facility, purchase additional processing equipment, and a vehicle.

APPLICATION 11: Comprehensive Systems, Incorporated

REQUEST: \$ 145,000

APPLICANT: Private Not For Profit, Rick Tinpen, Executive Director

DESCRIPTION: This previous grantee is located in Charles City, Floyd County. The applicant provides recyclable materials processing and marketing services for Floyd, Mitchell, and Franklin Counties, and the City of Clear Lake (Cerro Gordo County). Grant funds are requested for the construction of an additional processing and storage facility, and the purchase of additional processing equipment.

APPLICATION 12: The Blueberry Plastic Mill Corporation

REQUEST: \$ 187,500

APPLICANT: Private For Profit, John Neubauer, President

DESCRIPTION: This previous grantee is located in Des Moines (Polk County) and is seeking grant assistance to expand the operating capacity to manufacture post-consumer recycled resin from a variety of recyclable plastics. The applicant proposes to purchase a plastic flake washing machine and a proportionate mixer for custom-compounding of recycled plastic resins with grant assistance. The applicant currently services several municipalities and counties as well as numerous businesses and industries.

APPLICATION 13: Plastic Processors, Ltd.

REQUEST: \$ 100,000

APPLICANT: Private For Profit, Norlyn Van Beek, Owner

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DESCRIPTION: Grant funds are requested to assist in the purchase of processing equipment. The applicant is located in Sioux Center, Sioux County and proposes to serve as a plastics market to purchase various types of waste plastic from recycling programs, processing facilities, and businesses. Initial concentration would be on PET. The applicant would then sort, grade, and market the plastics.

APPLICATION 14: Brick Environmental Company, Inc.

REQUEST: \$ 293,000

APPLICANT: Private For Profit, Vincent Calise, Glen Stouwie, Tom Bowser, Owners

DESCRIPTION: The applicant proposes to target commercial food industries including: candies, bakery products, snack foods, fruit, and cereals. Food products would be separated from its packaging so that the food products may be reformatted for commercial usage in the alcohol fermentation and feed industries. The applicant is located in Cedar Rapids (Linn County) and is requesting grant funds to assist in the purchase of equipment. The applicant facility would be located in the City of Ryan, Delaware County.

APPLICATION 15: F & F Metals (Feinberg Scrap Iron & Metal)

REQUEST: \$ 133,395

APPLICANT: Private For Profit, Aaron Feinberg, Owner

DESCRIPTION: The Fort Madison (Lee County) applicant, is seeking grant assistance to purchase a portable baling machine for recyclable tin and white goods. The applicant currently contracts with a company bringing a baler to the area three times per year. Purchasing a portable baler would allow the applicant to bale materials on a continuous basis. Baling services would be made available to other businesses and possibly to area landfills.

APPLICATION 16: Horizons Unlimited, Inc.

REQUEST: \$ 308,551

APPLICANT: Private Not For Profit, Ron Ludwig, Executive Director

DESCRIPTION: This previous grantee is requesting grant assistance to expand the existing capacity of the regional recycling facility in order to accommodate increased materials received from the new, three county service area (Palo Alto, Pocahontas, and Kossuth Counties). Grant funds would be used for personnel, building construction and processing equipment. The applicant is located in Emmetsburg, Palo Alto County.

APPLICATION 17: The Paper Shed

REQUEST: \$ 44,600

APPLICANT: Private For Profit, Ken Wright, Ron Wright, Owners

DESCRIPTION: The West Liberty (Muscatine County) applicant is seeking grant assistance for the purchase of equipment, supplies, and wages. The applicant receives and chops into animal bedding old newspaper, other paper, cardboard, chip board, and feed sacks from eight suppliers located in Muscatine, Cedar, Washington, Iowa, Black Hawk, and Buchanan Counties. Animal bedding has been sold to customers in Black Hawk, Buchanan, Cedar, Clinton, Iowa, Keokuk, Muscatine, and Washington Counties.

APPLICATION 18: New-Worth Discover and Recover, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Michael Cumberworth, Floyd Newcomb, Owners

DESCRIPTION: The applicant is located in the City of Muscatine, Muscatine County and is proposing to establish an operation to clean up, haul and process waste tires. Processed rubber would be marketed for use in asphalt and for leachate control at landfills. Other markets would be investigated. The applicant anticipates accepting waste tires from the entire State of Iowa at a minimum. Grant funds are requested for equipment purchases and building construction.

APPLICATION 19: Recycled Plastics Industries, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Lee Anderson, Owner

DESCRIPTION: The applicant is located in Green Bay, WI with the proposed facility to be sited in the City of Cresco, Howard County. Grant funds are requested for building construction, equipment purchases, and wages. The applicant proposes to serve as a purchaser of recyclable plastics and to market plastic lumber manufactured at the new facility. Plastic would be purchased from recycling facilities in northeast Iowa and from private recyclers in the State of Iowa.

APPLICATION 20: MRA Resources

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REQUEST: \$ 91,225

APPLICANT: Private For Profit, Michael Alkire, Owner

DESCRIPTION: The applicant is seeking grant fund assistance for building construction and the purchase of equipment. Located in Aurelia (Buena Vista County), the proposed project involves the demolition of abandoned or unwanted buildings. In exchange for demolition services, the applicant would acquire the rights to all materials located on these abandoned or unwanted properties. These materials would then be made available for reuse and recycling. Materials anticipated to be made available include: lumber, metals, concrete, brick, and rock.

APPLICATION 21: Mason City Recycling Center, Ltd.

REQUEST: \$ 211,100

APPLICANT: Private For Profit, Dean Hess, Owner

DESCRIPTION: This previous grantee is located in the City of Mason City (Cerro Gordo County) and serves as a recyclables market for newspaper, glass, plastics, cardboard, tin and high grade paper. The proposed project involves upgrading the existing facility and operations through building improvements, and the purchase of equipment and semi trailers to handle the increased amount of materials received at the recycling center. Recyclable materials are currently received from numerous facilities across the state.

APPLICATION 22: Toppert Sales & Leasing Ltd.

REQUEST: \$ 367,650

APPLICANT: Private For Profit, Larry Toppert, Vice President

DESCRIPTION: The proposed project involves conducting a study to determine the feasibility of recycling grease trap residue from food service establishment grease traps. The project area includes the Cities of Davenport, Bettendorf, Riverdale, and Panorama Park all located in Scott County. Grant funds are requested for equipment, operational information, sampling and testing, education, and disposal fees.

APPLICATION 23: Rinderknecht Associates, Inc.

REQUEST: \$ 173,952

APPLICANT: Private For Profit, Gerald Friauf, Executive Vice President

DESCRIPTION: The applicant proposes to purchase 1, 2, and 4 cubic yard containers and a truck crane to transport recyclable materials from the applicant's construction sites to the appropriate recycler. Materials to be collected include wood, plastics, concrete, metals, and cardboard. Negotiations are also underway for a waste gypsum wallboard recycler. The project would serve the City of Cedar Rapids and the southeast quarter of the state. The applicant is located in Cedar Rapids, Linn County.

APPLICATION 24: Buena Vista County Solid Waste Commission

REQUEST: \$ 108,855.20

APPLICANT: Local Government, David Wiley, Chairperson

DESCRIPTION: The applicant is located in Storm Lake, Buena Vista County and is requesting grant assistance for construction of a building addition, and the purchase of equipment. The applicant currently serves as a recyclable materials transfer station for Buena Vista County and with grant assistance would expand the service area to include Cherokee County and the City of Fonda (Pocahontas County). The facility currently accepts cardboard, paperboard, and paper.

APPLICATION 25: DAC Incorporated

REQUEST: \$ 121,000

APPLICANT: Private Not For Profit, Benjamin Wright, Executive Director

DESCRIPTION: The applicant, located in Maquoketa, Jackson County is requesting grant funds for the purchase of equipment. This previous grantee currently operates a recyclable materials recovery facility for Jackson County and is requesting assistance to establish a manufacturing plant for plastic 4' x 8' sheets made from recycled plastics. As part of this project, the applicant would serve as a market for HDPE and PET plastics. Plastic sheets would be marketed to replace the use of plywood.

APPLICATION 26: Tri-State Recycling

REQUEST: \$ 29,648

APPLICANT: Private For Profit, Scottie Lindecker, President

DESCRIPTION: The applicant is located in Dubuque (Dubuque County) and is proposing to expand the current non-ferrous metals recycling operation. Grant fund assistance is requested for the purchase of equipment and construction of a building addition. The applicant purchases scrap

aluminum which is melted into 30 pound ingots and sold to foundries. Other metals such as copper, brass, and stainless steel are purchased and sold to larger scrap metal processing dealers. The applicant's service area includes a 150 mile radius of the City of Dubuque.

APPLICATION 27: Animal Rescue League of Iowa, Inc.

REQUEST: \$ 33,000

APPLICANT: Private Not For Profit, Dr. Judith Conlin, Executive Director

DESCRIPTION: The City of Des Moines, Polk County applicant, is proposing to construct an addition to their existing facility to accommodate the placement of two crematory units. Grant funds are requested to assist in the purchase of one of the crematory units. The applicant has been notified by the Des Moines Metropolitan Area Solid Waste Agency that as of November 1, 1993, animal carcasses would no longer be accepted at the landfill, thus necessitating alternative means of disposal of animal carcasses. Crematory services would be made available to veterinarians in Polk and contiguous counties, the humane societies in contiguous counties and to private citizens.

APPLICATION 28: River Valley Farms, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Robert Ver Steegh, President

DESCRIPTION: The applicant proposes to construct earth bermed buildings with waste tires as the major component. Waste tires would be tied together to form a mat then filled with earth. The next layer of tires would be offset and then again filled with earth. The applicant is located in Eddyville (Mahaska County) and is seeking grant assistance for building construction.

APPLICATION 29: Robert F. Zern

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Robert F. Zern, Sole Proprietor

DESCRIPTION: The applicant proposes to construct earth bermed buildings with waste tires as the major component. Waste tires would be tied together to form a mat then filled with earth. The next layer of tires would be offset and then again filled with earth and so on. The applicant is located near the City of Conrad (Grundy County) and is seeking grant assistance for building construction.

APPLICATION 30: Ames Technologies, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Jolene Hynes, Project Director

DESCRIPTION: The Ames, Story County applicant, is proposing to manufacture railroad ties utilizing shredded tires, sulfur, and fly ash as an alternative to timber and concrete railroad ties. Grant funds would be utilized in equipment development and equipment purchase, materials testing, building construction, supplies and wages.

APPLICATION 31: Changing Time Diaper Service, L.C.

REQUEST: \$ 68,628.64

APPLICANT: Private For Profit, Eileen Jensen-Anderson, James Anderson, Marilyn Van Sant, Owners

DESCRIPTION: The applicant is proposing to provide a reusable diaper service to residents in the Cedar Falls/Waterloo and surrounding area. This waste reduction project is seeking grant assistance for the purchase of reusable diapers, a delivery van, advertising, operating expenses, and wages. The applicant is located in Cedar Falls, Black Hawk County.

APPLICATION 32: South Central Iowa Landfill Agency

REQUEST: \$ 39,860

APPLICANT: Local Government, Marcia Beeler, Manager

DESCRIPTION: The applicant is proposing an evaluation study to determine the feasibility of utilizing waste glass as an underdrain material at the solid waste landfill. The applicant is located in the City of Winterset, Madison County, and would accept waste glass from 15 counties in central Iowa. Grant funds are requested for equipment rental, testing, test site preparation and test site closure.

APPLICATION 33: Rosebar Tire Shredding Center, Inc.

REQUEST: \$ 85,442

APPLICANT: Private For Profit, Eleanor Kaiser, Owner

DESCRIPTION: The previous grantee is requesting grant funds to assist in the purchase of car and truck tire debadders and a baler for the purpose of improving the flow of materials by eliminating the operations bottleneck, thus increasing productivity, and the recovery of additional waste rubber. The applicant is located in Vinton, Benton County and serves as a waste tire outlet for a 120 mile radius of the facility.

APPLICATION 34: Northwest Iowa Area Solid Waste Agency

REQUEST: \$ 97,500

APPLICANT: Local Government, David Honkomp, Manager

DESCRIPTION: This previous grantee is seeking grant assistance to expand the existing materials recovery facility by construction of an additional materials storage building, the purchase of equipment, purchase of curbside recycling containers, expansion of the business sector recyclables collection program, and public education programming. The applicant is located in Sheldon (Sioux County) and serves Sioux, O'Brien, Osceola, Clay, and Lyon Counties.

APPLICATION 35: Clark's S.A.W. Mill

REQUEST: \$ 155,000

APPLICANT: Private For Profit, Stephen Clark, Owner

DESCRIPTION: The applicant is located in The City of Bloomfield, Davis County. The proposed project involves turning wood scrap into wood shavings for use as animal bedding. Grant funds are requested to assist in the purchase of equipment, building construction, operational expenses, and wages. The project service area is primarily southeast Iowa.

APPLICATION 36: Winneshiek County Development, Inc.

REQUEST: \$ 108,725

APPLICANT: Private Not For Profit, Marilyn Wolfe, Executive Director

DESCRIPTION: The applicant is acting as fiscal agent for Fallenstein Refuse and Recycling (F.F.F., Inc.) from Mankato MN. The proposed project involves the manufacture and testing of hollow core plastic posts made from recycled plastics to replace current wood and metal posts, with highway usage as an initial goal. Grant funds are requested for project administration, product design and testing, proto-type production, building construction, equipment, die design, and production. The proposed facility would be located in Winneshiek County.

APPLICATION 37: Donald E. Davis

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Donald Davis, Owner

DESCRIPTION: The applicant is proposing to process scrap tires into crumb rubber for use in playgrounds, rubberized asphalt, and other applications. The applicant is located in Peosta, Dubuque County. The project would affect an area bounded by Dubuque, Waterloo, Des Moines, Iowa City, and Davenport. Grant funds are requested to assist in the purchase of processing equipment.

APPLICATION 38: City of Coralville

REQUEST: \$ 13,080

APPLICANT: Local Government, Kelly Hayworth, City Administrator

DESCRIPTION: The City of Coralville, Johnson County, is proposing to expand the current curbside collection program by implementing a pilot program designed to collect recyclables from multi-family dwellings (44% of the City's residents live in multi-family dwellings). Materials would be processed by a previous grantee located in Coralville. Grant funds would be used for printing/promotion, wages, and processing fees.

APPLICATION 39: City of Coon Rapids

REQUEST: \$ 12,000

APPLICANT: Local Government, Geraldine Richardson, City Clerk

DESCRIPTION: Grant funds are requested to assist in the purchase of a used packer truck to expand the existing commercial recyclables collection program. Corrugated cardboard would be collected from area businesses and when the truck is full, corrugated cardboard would be delivered to the Carroll County Recycling Center for processing and marketing. If the pilot project is successful, the program would be expanded to other cities in the County. The applicant is located in the City of Coon Rapids, Carroll County.

APPLICATION 40: Sho-Dust Bedding

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Joe Wolfgram, Joel Anderson, Owners

DESCRIPTION: The applicant, located in Webster City, Hamilton County, is proposing to provide a mobile wood waste grinding service and provide a wood waste collection site in central Iowa. Waste wood would be ground to produce animal bedding, landscape mulch and boiler fuel. Grant funds are requested to assist in the purchase of a vehicle, equipment, wages, and building construction.

APPLICATION 41: Monona County Solid Waste Agency

REQUEST: \$ 56,750

APPLICANT: Local Government, Stanley Stuckenholtz, Chairperson

DESCRIPTION: This previous grantee operates a materials recovery facility located near the City of Turin, Monona County and currently serves Monona County and two municipalities in Pottawattamie County. Harrison County is establishing a recyclable materials collection program and would contract with the applicant for materials processing and marketing. Grant funds are requested for the purchase of a computer, educational programs, and a baler.

APPLICATION 42: Prof. Lon Drake, University of Iowa

REQUEST: \$ 29,734

APPLICANT: Local Government (University of Iowa), Prof. Lon Drake

DESCRIPTION: The applicant is seeking funding assistance to implement Phase II of a multi-phase project to determine if synthetic soil can be created from bulk industrial and municipal wastes. Phase II would create synthetic soil from bulk wastes in south-central Iowa, to be tested at a greenhouse. The applicant's goal is to use synthetic soil for the reclamation of abandoned strip mines, landfill cover, and restoring derelict land in general. Grant funds would be utilized for wages, chemical analysis of plants and leachate, greenhouse plant pots, and travel expenses. The applicant is a professor of geology at the University of Iowa, Iowa City (Johnson County).

APPLICATION 43: Utah Tire Recyclers

REQUEST: \$ 229,500

APPLICANT: Private For Profit, Joseph Viland and Robert Jahries, Owners

DESCRIPTION: The applicant is located in Des Moines, Polk County, and is proposing to expand the current waste tire recycling operation to increase their capacity to shred tires for tire derived fuel and implement a waste tire collection program. Currently the applicant receives waste tires from Goodyear Tire Company. With increased capacity, the facility would accept waste tires from suppliers statewide. Grant funds would be used for the purchase of equipment, a used semi tractor, and trailers.

APPLICATION 44: Beyond Recycling, Inc.

REQUEST: \$ 300,000

APPLICANT: Private For Profit, Richard Ziebell, Owner

DESCRIPTION: The applicant is located in the City of Leon, Decatur County, and is proposing to construct and equip a tire recycling and collection center. The project would serve 45 counties of south and central Iowa. Waste tires would be converted into combustible gas, oil and carbon black through pyrolysis. The tire's base products would be used in the production of ethanol with the ethanol being marketed. Grant funds would be utilized for the construction of a tire recycling machine.

APPLICATION 45: City of Newton Sanitary Landfill

REQUEST: \$ 112,500

APPLICANT: Local Government, Rod Van Dusseldorp, Superintendent

DESCRIPTION: The applicant is proposing to remove concrete, cement, cement products, and asphalt from the waste stream by providing a site for stockpiling. Stockpiled materials would then be crushed to various sizes for use in the landfill, for road resurfacing, and to sell on a per ton basis to support continuing operations. The applicant is located near the City of Newton in Jasper County. Grant funds are requested to pay for material crushing services.

APPLICATION 46: Joseph Victor Ernst

REQUEST: \$ 56,490

APPLICANT: Private For Profit, Joseph Ernst, Owner

DESCRIPTION: The applicant is located in the City of Lacona in Marion County. The proposed project is to recycle wood shavings and sawdust into animal bedding and mulch. Grant funds are requested to assist in the purchase of vehicles, dump trailers, equipment, supplies, and office equipment.

APPLICATION 47: Mid-Iowa Workshops, Inc.

REQUEST: \$ 174,793.50

APPLICANT: Private Not For Profit, Perry Moore, Marketing Representative

DESCRIPTION: The proposed project involves the collection and processing of paper, corrugated cardboard, glass, plastic, tin, and aluminum from area industries, businesses and residential areas. The service area would initially be the City of Marshalltown, Marshall County, and is anticipated to expand to the surrounding area. Landfill bans for commercial cardboard and newsprint are soon to be implemented at the Marshall County Landfill. With the landfill ban, increased volumes of materials are anticipated. Grant funds are requested for additional processing equipment, building modifications, supplies, and wages.

APPLICATION 48: Environmental Recycling Corporation

REQUEST: \$ 280,000

APPLICANT: Private For Profit, Scott Dittmer, Majority Owner

DESCRIPTION: The proposed project involves the manufacture of plastic lumber from mixed color HDPE plastic. The applicant is located in Dubuque, Dubuque County and is requesting funding assistance for the purchase of equipment and building modifications. Plastics would be procured from Dubuque County and northeast Iowa at a minimum.

APPLICATION 49: Area XIV Agency on Aging

REQUEST: \$ 3,840

APPLICANT: Private Not For Profit, Lois Huston, Executive Director

DESCRIPTION: This previous grantee is seeking grant fund assistance in the purchase of reusable 6 and 8 ounce cups and lids for cold foods as part of the existing home-bound reusable meal tray delivery program. The program delivers meals to home-bound individuals in seven south central counties. In FY 92, 53,377 meals were prepared and delivered. The applicant is located in the City of Creston, Union County and serves Adair, Adams, Clarke, Decatur, Ringgold, Taylor, and Union Counties.

APPLICATION 50: Cedar River Paper Company

REQUEST: \$ 300,000

APPLICANT: Private Not For Profit, Paul Kiffe, Vice President Weyerhaeuser Paper Co.

DESCRIPTION: The applicant is proposing to construct a facility that will supply cardboard medium for the manufacture of corrugated cardboard. The mill will purchase approximately 245,000 tons of old cardboard and 74,000 tons of other waste paper with the exception of newspaper and magazines. Grant funds are requested to assist in the purchase of a paper machine. The applicant facility will be located in the City of Cedar Rapids, Linn County.

Ms. Hay gave a brief explanation of the summary of grant applications.

Rozanne King asked if there is anything funded now that would be similar to the portable baling machine mentioned in Application # 15.

Ms. Hay stated that she does not know of any similar baler that is presently funded. She related that it is not known what is out there and that is the kind of information the grant applicant is expected to provide to the department.

INFORMATIONAL ONLY

INFORMATION NETWORK FOR RECYCLABLE MATERIALS CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance, presented the following item.

The Commission is requested to approve this contract with Iowa State University's Department of Community and Regional Planning. This contract is a continuation of a project that was begun at Iowa State's Department of Industrial Engineering in 1990, and because of the project's specific needs at this time, a new department has been targeted to complete the project. A brief explanation of the project's background follows.

In May 1990, a contract was entered into between the IDNR and Iowa State University to develop and market a regional information network for the collecting, processing, transporting and marketing of recyclable materials from municipal and industrial solid waste streams. This information network later became known as the Mid-America Recycling and Transportation Information Network or MARTIN.

As a solid waste demonstration project the MARTIN grant project received funding through the USEPA Region VII, and was administered and managed by the Waste Management Assistance Division of the IDNR. The contract was extended to three years--from May 1, 1990 to June 30, 1993. The project received approximately \$225,000 in federal funding and \$50,000 from the IDNR.

In the first year of the contract, surveys were used to obtain information to develop the data base. MARTIN went on line almost a year after the contract began, in April 1991. Clients served by MARTIN included solid waste coordinators, recycling centers, brokers and manufacturers, to name a few. Anyone with a computer and modem was able to access the data base system.

Originally, the MARTIN system provided access to regional information from nine states, including IA, NE, KS, MO, WI, MN, IL, ND. In the second year of its funding, six more states were added to the information base: TN, KY, AR, OK, CO and WY. During the first two years, much of the effort was directed toward gathering information from the various states and making the system operational, i.e., installing equipment and software, and working out the problems for efficient, user-friendly service.

Third year goals included the promotion and marketing of the information system throughout the midwest and updating and expanding the information in the data base. In addition, voice access to the system was made available through DECtalk software for users who do not have a computer and modem. The data base for the network now is updated with the information from WMAD's 1993 recycling directory, which gives the MARTIN system a current and more comprehensive listing of brokers, collectors, processors, end-users and materials. In addition, three master's theses--covering the efficient transportation and marketing of recyclable materials--were produced by graduate students who worked with the project.

The MARTIN grant contract expired June 30, 1993. The project succeeded in making the information system operational and in developing the voice access. The proposed contract involves upgrading the system's features to include those found on other recycling networks, e.g., a comprehensive list of collectors, processors, brokers and end-users, recycled products, networking directly with other recycling specialists, advertising recycling equipment, and listing recycling conferences. Moreover, the contract includes a marketing program that would redesign the MARTIN system to reflect its newer features, and promote it among recycling specialists, business and industry.

WMAD sought prospective contractors to continue the system's operations and to market the system as a more dynamic and useful information network. After meeting with the Department of Community and Regional Planning, WMAD was convinced that they had the resources, departmental connections (planning, business, marketing, art and design) and the experience to meet the goals of the project. Funds will be provided from the Department's Waste Volume Reduction and Recycling Fund.

The equipment and software currently supporting the project would be transferred from the Department of Industrial Engineering to the Department of Community and Regional Planning. The principal investigators of the original grant project offered to provide their time, expertise, and support for the transition.

A draft scope of work for the contractor is attached. Approval for the director to enter into a contract with Iowa State University's Department of Community and Regional Planning is requested.

ARTICLE V. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

The work and services are as follows:

- 5.1 Furnish a secure location for the operation of the Project's equipment in the College of Design, Department of Community and Regional Planning.
- 5.2 Provide adequate staffing in order to maintain network operations, equipment, data entries, public assistance in using the system, to monitor incoming phone calls, and to provide public demonstrations of the network's capabilities.
- 5.3 Develop a systematic and continuous method for updating the Project's data requirements.
- 5.2 Continue to update and expand data base entries for Iowa, including number of recyclable materials, end use markets for recyclable materials, collectors, processors and brokers of recyclable materials.
- 5.3 Continue to update and expand data base entries for EPA Region VII states (Missouri, Kansas, Nebraska).
- 5.4 Continue to update and expand data base entries for states already active in recycling data bases.
- 5.5 Facilitate the development and implementation of a new marketing program for the Project.
 - 5.5.1 Utilize the resources of the DED and Iowa State University to provide comprehensive approach to product marketing for the Project.
- 5.6 Assemble an advisory board made up of appropriate experts and Project users to guide its development and implementation as a new product and resource.
- 5.7 Explore opportunities for expanding the Project's capabilities, such as regional pricing indices for commodities, classified ads to sell or buy recycling equipment, a bulletin board of recycling events and conferences, manufacturers of products made with recyclable materials and distributors of recycled products, and its interface with Geographic Information System.

ARTICLE VI. MILESTONES

July 1993

Environmental Protection Commission Minutes

<u>Date</u>	<u>Activity</u>
August 12, 1993	Meeting to discuss/prepare for the transfer of equipment
August 16, 1993	Equipment transferred to Department of Community and Regional Planning by this date
September 30	Monthly Progress Meeting
October 29	Monthly Progress Meeting
November 30, 1993	Quarterly Report due, Monthly Progress Meeting
January 31, 1994	Completion of marketing development, Monthly Progress Meeting
February 28, 1994	Quarterly Report due, Monthly Progress Meeting
March 31, 1994	Monthly Progress Meeting
April 29, 1994	Monthly Progress Meeting
May 31, 1994	Quarterly Report due, Monthly Progress Meeting
June 30, 1994	Final Report due

ATTACHMENT A

PAYMENT AGENT AND BUDGET

Payment made to:

Iowa State University
Contracts and Grants Administration
207 Beardshear Hall
Ames, IA 50011 (515/294-5225)

<u>Cost Description</u>	<u>State Funds</u>	<u>Match Funds</u>
Continuing Operations (August '93-June '94)		
Faculty supervision		
(12% time, blended rate)	\$ 5,500.00	\$ 2,060.00
Fringe benefits for faculty at 24.55%	1,350.00	506.00

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2 Graduate Assistants (½ time each, 11 months)	21,582.00	
Fringe benefits for grad students at 24.92%	5,378.00	
Total Personnel Costs	33,810.00	2,566.00
Equipment/ Supplies:		
3 Telephone lines, 11 months*1	847.00	
Allowance for 1-800 service incoming calls	1,800.00	
Computer/Equipment Maintenance	550.00	550.00
Postage, FAX	1,200.00	
Miscellaneous Materials and Supplies	600.00	600.00
Sub-Total	38,807.00	3,716.00
Indirect costs charged at 8 % IDNR rate	3,104.00	
Indirect cost differential between Federal rate and DNR rate on DNR portion		13,970.00
Indirect costs at federally-approved rate of 44%		1,635.00
Total for Continuing Operations	41,911.00	19,321.00
Data base and Market Development (August '93-December '93)	<u>State Funds</u>	<u>Match Funds</u>
1 graduate assistant, ½ time (five months)	\$ 4,905.00	
Fringe benefits at 24.92%	1,176.00	
Additional faculty effort at 10% blended rate(may use different faculty but cost to DNR is guaranteed)	3,780.00	\$ 2,520.00
Fringe benefits at 24.55%	928.00	619.00
Hourly assistance for data base input, 450 hrs. @ \$5.50	2,475.00	
Total Personnel Costs	13,079.00	3,139.00
Miscellaneous Telephone	1,500.00	

* Installation of three phones @ \$55 = \$165. Service Charges: 2 single line phones for modems @ \$18 per month (11 months); 1 multi-line set for 1-800 service @ \$26 per month (11 months); Megacom (1-800) Service \$0.15 per minute instate and \$0.16 per minute intrastate. (There is no installation fee of 1-800 service on ISU phones.) If required, wiring for phone jacks will cost an additional \$400 per jack.

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Travel	1,750.00	
Postage	500.00	
Total for Miscellaneous	3,750.00	
Sub-Total	16,829.00	3,139.00
Total for Data base and Market Development	18,744.00	
Indirect costs charged at 8% DNR rate	1,346.00	
Indirect cost differential between Federal rate and DNR rate on DNR portion		6,058.00
Indirect costs at federally approved rate of 44%		1,381.00
Total for Data Base Development	18,175.00	10,578.00
GRAND TOTAL	60,086.00	29,899.00

Ms. Hay stated that the network is now a basically functional system and is ready to be marketed. She noted that it is set up to serve a variety of Midwestern states and there is a need to get a lot of new users into the system. Funds will come from the Waste Reduction and Recycling fund.

Chairperson Hartsuck asked if the department could operate the system if they had the resources.

Ms. Hay replied that the department does not have the staff to operate the system but there would be both advantages and disadvantages to having the department do it.

Gary Priebe asked how long the program will operate with the \$60,000.

Ms. Hay stated that this contract is for the next year and the program will have to be reassessed next year to see how its doing. She noted that Nebraska, Kansas and Missouri have made a commitment to the system by not asking for money and requesting that it be given to Iowa instead.

Rozanne King asked if quarterly reports will be provided.

Ms. Hay stated that monthly progress reports, as well as quarterly reports, will be provided to the staff.

Motion was made by Rozanne King to approve a contract with Iowa State University's Department of Community and Regional Planning for an Information Network for Recyclable Materials, as presented. Seconded by William Ehm. Motion carried unanimously

CONTRACT APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Les Wolfe

Les Wolfe, Chairman of the Technical Advisory Committee to ISOSWO, addressed the Commission stating there were 21 solid waste agencies listed on the petition for rulemaking relating to leachate controls. He noted that those agencies represent 50% of the counties in Iowa. The petition requests revision of Section 103.2(12)"b"(2) and 103.2(12)"c" pertaining to leachate control systems at existing landfills. He stated that the number of petitioners indicates the difficulty and frustration these agencies have had in trying to comply with the current regulations. Mr. Wolfe asked that the Commission, rather than deny the petition, recognize the need to reconsider the Code language, table the item, and then direct staff to meet with the Technical Advisory Committee to try to develop some alternate language. He stated that he feels legislative intent can be achieved, with some modification of the Code, without placing undue financial burden on solid waste agencies. Mr. Wolfe noted that there are two solid waste agencies represented here today that have installed systems since 1989 as a direct response to this rule, and are now being directed to expand those systems to do more. He related that this language needs to be dealt with so these agencies know when they are done.

Joe Robertson

Joe Robertson, Marshall County Solid Waste Management Commission, stated that they have an active leachate control system that has been in place for 18 months and cost one-half million dollars. He related that they are already receiving directives from DNR concerning additional monies to be spent and a system to be placed, without any proof that the existing system is not working. Mr. Robertson stated that he feels it is necessary to examine the wording used in the rules and to allow for dialogue between individual landfills and DNR on site specific criteria. He asked the Commission to act accordingly on this issue.

Pat Brooks

Pat Brooks, Attorney for the Solid Waste Management Commission at Marshall County, expressed concerns on how to implement the standard of lowest possible leachate and what alternatives exist to each agency working in the area of trying to satisfy that standard. He reiterated that Marshall County spent one-half million dollars before being given a directive on how to satisfy the standard. He explained how their leachate control system works and noted that they now received a directive to drill wells and collect leachate by pumping instead of by gravity. He related that they are told that that is the only available alternative in terms of how it is to be done. Mr. Brooks stated that he feels the existing system should be evaluated to determine if it is effective, and if so they should be allowed to use that alternative. He stressed that the approach now being used discourages agencies from voluntarily moving forward to protect the environment. He added that they would like to see some dialogue or implementation of a rule that allows evaluation of existing systems.

Pete Duffy

Pete Duffy, Marion County Landfill, stated that up until July 1, 1993 he worked at Marshall County and was there when the petition was filed. He commented that Marshall County submitted their leachate control plan to DNR and before they were totally completed with it, a letter was sent from DNR stating that they did not think it was going to work and listed what needed to be done. He stated that federal law does not require existing landfills to be retrofitted with a leachate collection system, adding that that the State of Iowa is actually exceeding the federal law. He asked the Commission to give landfill operators a chance to review the issue with the department.

Mr. Duffy stated that with regard to Special Waste Authorizations, he told the Commission several months ago how important his organization felt it was to keep the SWA program within the department. He reviewed that one week prior to the legislature adjourning, he and Allan Stokes, along with representatives of ISAC, League of Municipalities, Senator Rosenberg and his staff, met and felt very strongly that this program should be run by the state. At that time it was related that \$65,000 was needed to keep a person in this position. Mr. Duffy noted that the Economic Impact Statement reflects a cost of \$85,000 to have the landfill people run the program. He added that even \$65,000 seems high but he feels it is essential for the department to handle the program as the landfills do not have the expertise to handle it properly. He encouraged the Commission to direct staff to get the SWA program back on record.

Rick Heller

Rick Heller, Iowa County Landfill, stated that Iowa County has had a leachate collection system since 1987, and they installed a groundwater monitoring system in 1989. In 1991, a leachate credence system was installed. He noted that the landfill has been functioning quite well in meeting the effluent requirements since the installation of these systems. He asked why they should be required to do more and spend more when no significant contamination is being picked up with the monitoring wells. Mr. Heller suggested that the rules be updated to reflect new information that was not available when the rules were adopted. He urged the Commission to direct staff to meet with the ISOSWO board before making a decision on this issue.

John Green

John Green, City of Sioux City, addressed the Commission stating that they also feel the Commission should direct staff to meet with the ISOSWO board on this situation.

He stated that in regards to the SWA program, the staff report demonstrates that DNR can run the program cheaper than the landfill could. He also expressed concern with safety issues in this respect.

Director Wilson stated that he would like staff to respond to these comments but Mr. Stokes is temporarily away from the office.

Chairperson Hartsuck asked Mr. Wolfe if his organization has suggested any language to staff that would be satisfactory to them.

Mr. Wolfe replied that he has not suggested anything beyond what was presented in the petition but is working on some language that would keep the legislative intent and also satisfy the goals of the staff.

Mr. Wolfe stated that he does not believe subtitle "D" requires retrofitting landfills with a leachate collection system. He related that he would like to see the language pertaining to achieving the lowest possible leachate head deleted.

Director Wilson reiterated that he would like Allan Stokes to address this issue when he returns.

Charlotte Mohr commented that the Scott County Landfill operator phoned her and she is in support of what these gentlemen stated here today.

This issue will be discussed further at the time the agenda item is taken up.

NOTICE OF INTENDED ACTION--CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTES

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The commission is requested to approve the proposed Notice of Intended Action regarding the grant program for regional collection centers (RCC). Chapter 211 references Chapter 103 which deals with sanitary waste disposal facilities. Currently, in Chapter 211, there is an inadvertent inclusion of the requirement for hydrogeological survey information and monitoring wells. The hydrogeological survey information and monitoring wells are not necessary and are impractical for the RCCs as they are not disposal sites. The proposed changes would eliminate the conflicting references.

The proposed changes are listed below:

Subrule 211.8(2)"c"(6): (6) The site shall meet the requirements of 567--subrule 103.2(1)"b," "c," and "m" (1) through (4). ~~Applicants will be exempt from the requirements 567-103.2"m" paragraphs (5) through (7).~~

and

3. A new site that meets the requirements set forth in subrule 103.2(1) "b," "c," and "m" (1) through (4).

Subrule 211.8(2)d after "...protection from inclement weather.": All RCCs and mobile units shall obtain a permit from the department according to 567--Chapters 102.1 through 102.12 and 104.

ENVIRONMENTAL PROTECTION COMMISSION [567]

NOTICE OF INTENDED ACTION

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 211, "Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes," Iowa Administrative Code.

The amendment to this chapter would eliminate a loop that was created in referencing chapter 103 which deals with sanitary waste disposal facilities. In chapter 211, as it exists, there is a loop that requires hydrogeological survey information and monitoring wells. The hydrogeological survey information and monitoring wells are not necessary and are impractical for the RCCs as they are not disposal sites. The proposed changes would eliminate the conflicting references.

Any interested person may make written suggestions or comments on the amendments to the rule proposed in this Notice of Intended Action prior to _____. Such written comments should be directed to Jeff Fiagle, Waste Management Assistance Division, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; FAX (515) 281-8895. Persons who wish to convey their views orally should contact Jeff Fiagle, Waste Management Assistance Division at telephone (515) 281-5859 or at the offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa.

Persons are also invited to present oral or written comments at a public hearing which will be held _____, _____, at _____ in the _____ of the Wallace State Office Building, East 9th and Grand Avenues, Des Moines, Iowa. At the hearing persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

The following amendments are proposed.

ITEM 1. Amend subparagraph 211.8(2)"c"(6) as follows:

(6) The site shall meet the requirements of 567--subrule 103.2(1) "b," "c," and "m" (1) through (4). ~~Applicants will be exempt from the requirements 567-103.2"m" paragraphs (5) through (7).~~

1. No change.
2. No change.

3. A new site that meets the requirements set forth in ~~subrule~~ 103.2(1) "b," "c," and "m" (1) through (4).

ITEM 2. Amend paragraph 211.8(2)d, second unnumbered paragraph as follows:

All permanent structures and mobile units must meet the requirements of the Iowa state building code and all other applicable codes. The structures and mobile units shall be so designed to prevent runoff entering from adjacent areas. All mobile units and the containers used to package collected materials shall comply with applicable department of transportation rules and guidelines. Applicants applying for grant funds to establish a mobile unit(s) must list the number of sites the unit(s) will locate to and include the township and range of these locations. At each mobile unit site, the unit shall rest on a pad of an impervious, reasonably smooth material that provides secondary containment in case of a spill and a canopy shall be provided as protection from inclement weather. All RCCs and mobile units shall obtain a permit from the department according to 567--Chapters 102.1 through 102.12 and 104. All safety issues shall be addressed in the permit. No RCC or mobile unit shall operate without a permit.

Date

Larry J. Wilson, Director

Ms. Hay gave a detailed explanation of the rules.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 211, Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 101, GENERAL REQUIREMENTS RELATING TO SOLID WASTE DISPOSAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed rule revision relating to requirements of Solid Waste Comprehensive Plans, Part 1 for filing as a notice of intended action. The purpose of the revision is to replace the waste abatement table in Appendix C of the "Guidelines for Solid

Waste Comprehensive Plans, Part 1: Solid Waste Management Alternatives," with a revised Solid Waste Abatement Table.

The proposed rule revision:

- Describes the revised waste abatement table to be used to chart the amounts of waste that have been diverted from landfilling through the practice of waste volume reduction at the source and through recycling since the 1988 baseline year.

- The revised table does not require additional data, simplifies the original table, clears up some discrepancies in the original table and assesses waste reduction / recycling progress in a way that is consistent with legislation and administrative rule.

- The revised table is formatted to provide the means for progress assessment through the completion of per capita solid waste generation rates for the 1988 baseline year and for each subsequent year. This computation is based upon the population and amount of solid waste generated for a given year within a defined planning area. By comparing each subsequent year to the baseline year, using the methodology described in the revision, the table will demonstrate a planning area's progress toward meeting the state volume reduction and recycling goals on a per capita basis.

- The original Waste Reduction and Analysis Table in Appendix C is no longer required. In its place a narrative discussion of waste reduction and recycling will be required, as explained in the revision.

ENVIRONMENTAL PROTECTION COMMISSION [567] NOTICE OF INTENDED ACTION

Pursuant to Iowa Codes 455B.304 and 455D. (1989 Iowa Acts, House File 753), the Environmental Protection Commission of the Department of Natural Resources intends to adopt an amendment to 567-- chapter 101 "General Requirements Relating to Solid Waste Disposal," Iowa Administrative Code.

The purpose of the amendment is to replace the waste abatement table in Appendix C of Guidelines for Solid Waste Comprehensive Plans, Part 1 : Solid Waste Management Alternatives with a revised Solid Waste Abatement Table.

Any interested person may make written suggestions or comments on the rules proposed in this Notice of Intended Action prior to (date to be inserted), 1993. Such written comments should be directed to Reza Khosravi or Brian Tormey, Waste Management Assistance Division, Department of Natural Resources, Wallace State Office Building, Des Moines , Iowa 50319-0034; FAX (515) 281-8895. Persons who wish to convey their views orally should contact Reza Khosravi or Brian Tormey, Waste Management Assistance Division at telephone 515/281-8645 or 515/281-8382 respectively, or at the offices on fifth floor of the Wallace State Office Building, Des Moines, Iowa.

A public hearing will be held (date to be inserted), 1993 at _____ in the _____ Floor of the Wallace State Office Building, East 9th and Grand Avenues, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

Item 1. Amend subrule 101.5(4), last unnumbered paragraph, as follows:

A guidance document describing in more detail the content of a comprehensive plan part 1, is available from the record center of the department at 515/281-8860. The document title is "Guidelines for Solid Waste Comprehensive Plans, Part 1: Solid Waste Management Alternatives" July 1, 1990, as revised (date to be inserted), 1993.

Item 2. Amend Appendix C of the above - referenced document, as follows:

**APPENDIX C: SOLID WASTE ABATEMENT TABLE; MEETING STATE
VOLUME REDUCTION GOALS**

When subsequent plans are filed, progress toward meeting state volume reduction and recycling goals must be evaluated. The following revised waste abatement table is to be used to chart the amounts of waste that have been reduced and recycled since the baseline year, 1988. This table replaces the waste abatement table in Appendix C of Guidelines For Solid Waste Comprehensive Plans, Part I: Solid Waste Management Alternatives, September, 1990. The revised table simplifies the waste abatement calculation and more effectively provides the information necessary for assessing waste reduction progress, as stipulated in Section 101.5(2), Iowa Administrative Code.

The basis for evaluating progress toward meeting reduction goals is comparing the per capita waste generation rate for a given year with that established as part of the 1988 baseline data. The revised waste abatement table uses this figure because it is not influenced by population changes that may occur from year to year. Factors that would result in a change to the per capita generation rate are effective waste reduction and recycling programs. As these programs are implemented, the per capita waste generation rate, as used in this revised table, should be reduced.

The Waste Reduction and Recycling Analysis table included in Appendix C of the September, 1990 guidelines is **no longer required** to be completed as part of the subsequent plan. However, the exclusion of this table does not eliminate the requirement (see page 34 of the guidelines for a complete description of subsequent plan requirements) that "...a thorough evaluation of progress toward meeting the state volume reduction and recycling goal" must be included in the subsequent plan. As required in the past, specific source reduction and recycling programs that have been implemented in the planning area to meet state volume reduction goals must be described in the subsequent plan's narrative. Each explanation must include:

- A description of the program;
- An outline of the program's public education component;
- An estimate of the participation rate;
- An evaluation of the program's successes and shortcomings, including tonnage figures, if available;
- Suggestions for improvements.

Any assumptions used to complete the waste abatement table or evaluate the waste reduction and recycling programs must still be included in the plan's narrative. Population figures for each year in the table should be based on the most current U.S. Bureau of the Census estimates that are available. Population estimates for counties and cities of 5,000 or more people are updated every two years. To obtain the most current information, contact Beth Henning, Coordinator, State Data Center, at (515)281-4350. If other sources are used for determining population data, such as a local census or a consultant's projections, this must be clearly indicated and documentation that explains how these numbers were derived must be provided.

The solid waste abatement table was redesigned as a simpler and more effective means to calculate progress toward state volume reduction and recycling goals. The following is an explanation of the terms used in the revised table, with each term preceded by a line number describing its location in the table:

1. POPULATION: Enter the planning area's population starting with the year 1988 and up to and including the current year. This data should be based on the most recent U.S. Bureau of the Census estimates that are available. If other data are used for determining population, an explanation must be provided in the narrative of the plan.
2. SOLID WASTE LANDFILLED AND STOCKPILED: Enter the amount of waste that is delivered to a landfill for disposal. Special wastes that are allowed to be stockpiled at the landfill prior to processing for land disposal must be included. Do not include any waste that will be transported from the landfill for recycling.
3. WASTE TO ENERGY AMOUNT: Enter the amount of waste that was combusted for energy recovery minus the amount of ash requiring landfilling. Do not include any waste that was removed for recycling.
4. REFUSE DERIVED FUEL (RDF): Enter the amount of waste that was processed into refuse derived fuel. Do not include any waste that was removed for recycling.
5. INCINERATION AMOUNT: Enter the amount of waste that was combusted for volume reduction minus the amount of ash requiring landfilling. Do not include any waste that was removed for recycling.
6. SOLID WASTE GENERATION: Add lines 2, 3, 4 and 5. This is the total amount of solid waste that was generated from all residential, commercial and industrial sources within the

planning area disposed of in a landfill or incinerated. This amount does not include wastes that were managed through source reduction or recycling programs.

7. **PER CAPITA SOLID WASTE GENERATION RATE:** Divide line 6 by line 1. This figure indicates the amount of solid waste that was generated by each person in the planning area during a given year which was disposed of in a landfill or incinerated.

8. **1988 PER CAPITA SOLID WASTE GENERATION RATE:** This is the figure that is derived from dividing the 1988 solid waste generation number by the 1988 population. This same figure will be used each year for comparison purposes.

9. **PERCENT REDUCTION/RECYCLING PER CAPITA:** Divide line 7 by line 8, subtract this result from 1, and multiply the difference by 100% [$\{1 - (\text{Line 7} / \text{Line 8})\} \times 100\%$]. This figure indicates the percentage of the 1988 baseline waste stream that has been reduced during a given year through source reduction and recycling practices. This figure should be approaching 25% by 1994 and 50% by the year 2000. If this figure is not increasing at a rate that will achieve 25% reduction by 1994, include an explanation of the shortfalls, as well as adjustments to be made, in the plan.

SOLID WASTE ABATEMENT TABLE

for _____ (name of planning area)

YEAR	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
1.) POPULATION													
percentage change from 1988													
2.) SOLID WASTE LANDFILLED AND STOCKPILED (tons)													
3.) WASTE TO ENERGY AMOUNT (tons)													
4.) REFUSE DERIVED FUEL (tons)													
5.) INCINERATION AMOUNT (tons)													
6.) SOLID WASTE GENERATION (tons)													
7.) PER CAPITA SOLID WASTE GENERATION RATE (tons)													
8.) 1988 PER CAPITA SOLID WASTE GENERATION RATE (tons)													
9.) PERCENT REDUCTION / RECYCLING PER CAPITA													

Ms. Hay gave an explanation of the rules and noted that the new table will give a more accurate picture of what is happening.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 101, General Requirements Relating to Solid Waste Disposal. Seconded by Clark Yeager.

Discussion followed regarding a qualitative cap; status of meeting 1995 goal of 25%; and recycling efforts of small cities and towns.

Chairperson Hartsuck stated that at a future meeting he would like a report on analysis of the waste stream since 1988.

Motion carried unanimously

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 212, LOANS FOR WASTE REDUCTION AND RECYCLING

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed administrative rules relating to the Loans for Waste Reduction and Recycling Program.

During the 1993 Legislative session, Section 455B.310, subsection 2, paragraph b, subparagraph 4, continuing appropriation for Chapter 212, "Loans for Waste Reduction and Recycling" was deleted from the 1993 Code. Though the continuing appropriation was deleted, the fund from which loans would be awarded remains with a balance of approximately \$700,000.

This new Chapter 212 provides rule guidelines for loans to Iowa businesses for the manufacture or remanufacture of products with postconsumer materials or to Iowa businesses which purchase equipment to achieve source reduction.

Notice of Intended Action was published as ARC 3837A on March 17, 1993 in the Administrative Bulletin. No oral or written comments were received at the public hearing held April 8, 1993. No oral or written comments were received prior to the public hearing.

Five persons representing three different companies were in attendance at the public hearing. Several questions were asked by those in attendance. All but one question was readily answered in the rules as they are now written. That question referred to whether the Department will take a first, second or unsecured position on items purchased using loan funds. The Department will be in a secured position by filing a UCC Agreement.

Two options are available regarding the question of what position the Department will take on purchases made using loan funds.

Option 1: To explicitly state in the rules the Department's intentions with regard to securing a position behind a private lending institution on items purchased using loan funds.

Option 2: To leave the rules as they are now written.

The Department recommends Option 2, to not include any reference to the position the Department will seek in the rules. This will allow flexibility in administration of the program.

ENVIRONMENTAL PROTECTION COMMISSION [567]

ADOPTED AND FILED

Pursuant to the authority of Iowa Code section 455A.6(6)"a", the Environmental Protection Commission for the Department of Natural Resources adopts new Chapter 212, "Loans for Waste Reduction and Recycling," Iowa Administrative Code.

This new chapter provides guidelines for loans to Iowa businesses for the manufacture or remanufacture of products from postconsumer materials or to Iowa businesses which purchase equipment to achieve source reduction.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 17, 1993 as ARC 3837A. A public hearing was held on April 8, 1993. No oral or written comments were received.

There are no changes as a result of the public hearing and this amendment is identical to that published under Notice of Intended Action.

These rules are intended to implement Iowa Code section 455B.310(2)"b"(4).

This amendment will become effective September 22, 1993.

CHAPTER 212

LOANS FOR WASTE REDUCTION AND RECYCLING PROJECTS

567--212.1(455B) Goal. The goal of this program is to reduce the amount of waste being generated and the amount of waste being landfilled in the state through source reduction and recycling initiatives.

567--212.2(455B) Purpose. The purpose of this program is to provide financial assistance for activities occurring in the State of Iowa to businesses for implementing projects that achieve waste reduction at the source, projects that manufacture or remanufacture products containing postconsumer material, and projects that process eligible waste materials for use in the manufacturing process.

567--212.3(455B) Definitions. The following terms, as used in this chapter, shall have the following meanings:

"Applicant" means any Iowa business that submits a correctly completed application requesting financial assistance through this program by the application deadline as identified in these rules.

"Cost share" means applicant's share of proposed eligible project costs.

"Department" means the Iowa department of natural resources.

"Eligible costs" means costs eligible for financial assistance including: capital costs of the proposed project, salaries directly related to the project, engineering costs, transportation to markets, and raw materials analysis costs.

"Eligible projects" means any project that manufactures or remanufactures products with postconsumer materials; any project involving the purchase of equipment to achieve source reduction; any project that processes eligible waste materials; or any project involving the recycling of waste tires.

"Groundwater protection Act" means 1987 Iowa Acts, chapter 225, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of wastes at landfills and provides grants and loans to encourage better management of Iowa's groundwater resources.

"Indirect costs" means costs that are not identifiable with a specific product, function, or activity.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities and insurance.

"Postconsumer material" means material generated by a business or consumer that has served its intended end use and has been separated from waste for collection and recycling. For the purposes of this program, this definition includes postindustrial materials that have been separated from waste for recycling.

"Recipient" means an applicant selected to receive a loan under these rules.

"Recyclable material" means any postconsumer material that can presently be recycled or that demonstrates potential to be recycled.

"Recycled products" means products containing post-consumer materials.

"Waste management assistance" means the waste management assistance division of the department of natural resources established by Iowa Code section 455B.483.

567--212.4(455B) Role of the department of natural resources. The department of natural resources is responsible for the administration of funds for projects sponsored under these rules. The department shall ensure that funds disbursed meet guidelines established by the groundwater protection Act and the waste management authority Act.

An eligible project may be submitted by any Iowa business for loan consideration under this chapter. The director shall determine which projects receive funding after review by the waste management assistance division and the environmental protection division of this department and the department of economic development.

567--212.5(455B) Funding sources. The department will use funds appropriated by the legislature and other sources that may be obtained for the purpose of achieving the goals outlined in these rules. The department shall ensure that moneys appropriated meet both federal and state guidelines pertaining to their use.

567--212.6(455B) Funding restrictions. The applicant shall not be eligible to receive additional loan funds under this program until the ending date of the contract for the last loan obtained, all

loan funds have been repaid, and all conditions of the contract have been fulfilled to the satisfaction of the department. The applicant shall not be eligible to receive loan funds under this program until an existing Landfill Alternatives Grant contract has expired and all conditions of the Landfill Alternatives Grant contract have been fulfilled to the satisfaction of the department. The applicant shall not be eligible to receive a grant through the Landfill Alternatives Grant Program until the ending date of the contract for the last loan obtained, all loan funds have been repaid, and all conditions of the contract have been fulfilled to the satisfaction of the department.

567--212.7(455B) Reduced loan award. The department shall ask the applicant to document the impacts of reduced financial assistance finalizing an award for less than the eligible amount requested by an applicant or less than the maximum award established by the waste management division. Reduced funds shall be awarded where it has been determined by the department that:

1. Program resources are insufficient to provide full assistance to all applicants to which the department intends to award loans; or
2. Applicant could operate the project at a reduced level and still achieve project objectives.

567--212.8(455B) Limitations on disbursement of funds. No loan funds shall be disbursed until the department has:

1. Determined the total estimated cost of the project;
2. Determined that financing of the cost share amount is ensured by the recipient;
3. Received commitments from the recipient to implement the project; and
4. Executed a written agreement with the recipient and, if applicable, the recipient has submitted final design plans for projects under these rules.

567--212.9(455B) Term of the loan. The term of the loan shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The loan agreement will establish other conditions or terms needed to manage or implement the loan. Collateral will be required. If sufficient collateral is not available within the applicant's organization, personal guarantees or other acceptable collateral will be required.

567--212.10(455B) Eligible costs. Applicants may request monetary assistance in the implementation and operation of the project which includes funds for:

1. Purchase of equipment that will lead to source reduction;
2. Engineering or consulting fees;
3. Purchase of equipment necessary for the manufacture or remanufacture of products containing postconsumer materials;
4. Contractual labor for installation of equipment;
5. Salaries directly related to the implementation and operation of this project;
6. Transportation costs needed to establish initial market access;
7. Testing to ensure acceptable qualities of recyclable materials.

567--212.11(455B) Ineligible costs. Loan funds may not be used for items including the following:

1. Taxes;
2. Indirect or overhead expenses;

3. Legal costs;
4. Contingency funds;
5. Land acquisition;
6. Buildings.

567--212.12(455B) Eligible projects. The department may provide no interest loans to applicants for the following types of projects:

1. Purchase and installation of equipment that results in a reduction of source generated waste;
2. Projects that manufacture or remanufacture products from postconsumer materials.

Eligible projects will not result in the transfer of waste from one medium to another.

567--212.13(455B) Cost share by applicant. An applicant for a loan shall agree to provide a minimum cost share of local funds toward project costs:

1. Projects that achieve source reduction - 35 percent.
2. Projects for the manufacture or remanufacture of products from postconsumer materials - 50 percent.

567--212.14(455B) Selection criteria. The department shall evaluate applications and applicants will be awarded loans based on the following selection criteria. The selection criteria include:

212.14(1) Waste reduction projects only:

- a. Amount and toxicity of waste to be reduced and the percentage of waste reduction achieved relative to normal business operations through implementation of this project; (30 points)
- b. Technical and economic feasibility and transferability of the proposed project; (25 points)
- c. Documentation that a detailed waste reduction analysis has been completed for the business; (20 points)
- d. Experience, expertise, and managerial ability of the parties involved in implementing all phases of the proposed project; (15 points)
- e. Applicant's ability to repay the loan in light of such factors as: (10 points)
 - (1) Size of the project in relation to income and assets of the company and its principals;
 - (2) Impact of the project on the applicant's operations;
 - (3) Availability of financing from other sources.

212.14(2) Recycling projects only:

- a. Amount and toxicity of Iowa waste to be recycled by this project; (30 points)
- b. Economic feasibility of the proposed project as demonstrated by documentation that a detailed market analysis has been completed for the product(s) produced. (25 points)

This analysis must include:

- (1) Impact on recycling markets;
- (2) Documentation that there is a consistent volume of waste for the project;
- (3) Market viability and long-term market stability;
- c. Technical feasibility and transferability of the proposed project; (20 points)
- d. Experience, expertise, and managerial ability of the parties involved in implementing all phases of the proposed project; (15 points)
- e. Applicant's ability to repay the loan in light of such factors as: (10 points)
 - (1) Size of the project in relation to income and assets of the company and its principals;

- (2) Impact of the project on the applicant's operations;
- (3) Availability of financing from other sources.

Viable tire recycling projects will be awarded a bonus of 5 points.

567--212.15(455B) Application form. An applicant shall submit a completed application form provided by the department and will include, but not be limited to, the following information:

1. Name of legal owner;
2. Name and title of applicant;
3. Address of applicant;
4. Phone number of contact person;
5. Documentation of project resources including:
 - Identifiable monetary resources;
 - Land, building, or equipment;
 - Insurance coverage;
 - Support services;
 - Personnel;
6. Information satisfying the provisions of rules 212.12(455B) to 212.14(455B);
7. Documentation of consistency with local and regional waste management planning efforts.

567--212.16(455B) Contract. A successful applicant shall enter into a contract with the department for the purposes of implementing the project for which financial assistance through this program was sought. The contract shall be signed by the department director, the waste management assistance division administrator, and the authorized officer of the recipient. The applicant will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered a part of the public record. The department may void a contract and seek a return of any funds released under the contract for failure by the recipient to perform the terms and conditions and other obligations under the contract in a timely fashion. Amendments to contracts may be adopted by written consent of all parties.

Applications will be due the first Monday in October of each year, unless otherwise designated by the waste management assistance division. Application materials are considered a part of the public record. Application materials received after the deadline will not be considered for funding during the current round, will not be retained for future consideration and will not be returned to the applicant. It is the applicant's responsibility to resubmit a completed application for funding consideration during a subsequent funding period.

567--212.18(455B) Loan denial. An applicant may be denied funding for any of the following reasons:

1. Applicant does not meet eligibility requirements pursuant to the provisions of rules 212.10(455B) to 212.15(455B);
2. Applicant does not provide sufficient information requested in the application forms pursuant to rules 212.10(455B) to 212.15(455B);
3. Project goals or scope is not consistent with rules 212.1(455B), 212.2(455B) and 212.10(455B) to 212.12(455B).
4. Upon announcement of funding awards, the applicant has an active loan through this program or an active contract through the Landfill Alternatives Grant Program.

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These rules are intended to implement Iowa Code section 455B.310(2)b(4).

Larry W. Wilson, Director

Date

Ms. Hay explained the rule pointing out that the Commission may choose one of two options listed in the item brief. She stated that staff recommendation is to go with Option 2.

Chairperson Hartsuck asked what the interest rate would be for these loans.

Ms. Hay replied that consideration is being given to charge no interest rate at all.

Clark Yeager stated that he would prefer to have a 3-5 year range for pay back. Additionally, he asked if a business was given a loan and subsequently failed, whether the department would get first security on any equipment purchases, etc. Discussion followed regarding secured loans.

Motion was made by Rozanne King to approve Final Rule--Chapter 212, Loans for Waste Reduction and Recycling, with Option 2. Seconded by Clark Yeager.

Clark Yeager asked if this would be the place to stipulate that pay back not exceed 5 years on a loan.

Ms. Hay explained that these rules were developed in conjunction with the Department of Economic Development (DED) who gives quite a few loans. This program is largely based on what they have done. She added that DED loans are forgivable but some of them are actually repaid. They are, in a sense, paid back through economic development.

Clark Yeager moved to amend the motion by inserting in section 212.9 of the rule that the term of the loan not exceed five years unless approved by the Commission. Seconded by Gary Priebe. Motion carried unanimously.

Vote on the original motion, as amended, carried unanimously.

APPROVED WITH STIPULATION ADDED

MONTHLY REPORTS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

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The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION RULEMAKING STATUS REPORT July 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES EFFECTIVE
1. Ch. 1 - Conflict of Interest	4/15/93	5/12/93	6/08/93	6/01/93	7/19/93	*7/19/93	*8/18/93	*9/22/93
2. Ch. 22 - Air Construction Permit Exemptions	6/21/93	*7/07/93	*8/ /93	*8/23/93	*9/20/93	*9/20/93	*10/15/93	*11/17/93
3. Ch. 22 - Sulfur Dioxide Emission Offsets-Muscataine	*8/16/93	*9/15/93	*10/ /93	*10/ /93	*11/15/93	*11/15/93	*12/08/93	*1/12/93
4. Ch. 22 - Air Emission Source Operating Permits	*8/16/93	*9/15/93	*10/ /93	*10/ /93	*11/15/93	*11/15/93	*12/08/93	*1/12/93
5. Ch. 23 - Training Fires	*8/16/93	*9/15/93	*10/ /93	*10/ /93	*11/15/93	*11/15/93	*12/08/93	*1/12/93
6. Ch. 40-42 - EPA Phase V Drinking Water Standards	4/15/93	5/12/93	6/08/93	6/01/93	7/19/93	*7/19/93	*8/18/93	*9/22/93
7. Ch. 61 - US Standards- Antidegradation Policy	7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
8. Ch. 72 - Flood Plain Development-Protected Streams	7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
9. Ch. 100, 102 - Special Waste Authorizations	3/15/93	4/14/93	5/11/93	5/04/93	*8/16/93	*8/16/93	*9/15/93	*10/20/93
10. Ch. 100, 103 and 111 - Financial Assurance Require- ments for Municipal Solid Waste Landfills	*8/16/93	*9/15/93	*10/ /93	*10/ /93	*11/15/93	*11/15/93	*12/08/93	*1/12/93
11. Ch. 101 - General Requirements Relating to SW Disposal	7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
12. Ch. 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects	10/19/92	11/11/92	12/01/92	12/01/92 12/02/92 12/03/92		TERMINATED		
13. Ch. 110, 143 - Use of Recycled Oils for Road Oil, Etc.	3/15/93	4/14/93	5/11/93	5/04/93	7/19/93	*7/19/93	*8/18/93	*9/22/93
14. Ch. 121 - Land Appl. of Wastes (Petroleum-Contaminated Soils)	3/15/93	4/14/93	5/11/93	5/04/93	7/19/93	*7/19/93	*8/18/93	*9/22/93
15. Ch. 135 - USF, Financial Responsibility	2/15/93	3/17/93	4/05/93	4/06/93	*8/16/93	*8/16/93	*9/15/93	*10/20/93
16. Ch. 136 - Financial Responsibility for USFs	5/17/93	6/09/93	7/08/93	7/06/93	*8/16/93	*8/16/93	*9/15/93	*10/20/93
17. Ch. 211 - Grants for Regional Collection Centers	7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
18. Ch. 212 - Loans for Waste Reduction and Recycling	2/15/93	3/17/93	4/05/93	4/06/93	7/19/93	*7/19/93	*8/18/93	*9/22/93

MONTHLY VARIANCE REPORT						
Month: June, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Miles	Wastewater Construction	IIW Engineers and Surveyors	Sewer Grade	Approved	06/14/93
2.	City of Graettinger	Wastewater Construction	DeWild Grant Reckert Assoc. and Company	Inlet Discharge Depression	Approved	06/15/93
3.	City of St. Ansgar	Wastewater Construction	Yaggy Colby Associates	Increase in Depth-Lagoons	Approved	06/28/93
4.	West Fork of Big Creek -Site S-9-Decatur County	Flood Plain	Soil Conservation Service	Storm\Storage Capacity	Approved	06/14/93 : :
5.	Evergreen Packaging Equipment - Cedar Rapids	Wastewater Operations	James Anderson - Maintenance Manager	Monitoring Frequency	Approved	06/16/93
6.	Iowa Electric Light & Power Co.-Duane Arnold Energy Center - Palo	Watersupply Construction	Plant Engineer	Installation Procedures	Approved	06/11/93

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TOPIC: Report of Hazardous Conditions

During the period June 1, 1993 through June 30, 1993, reports of 103 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
06/13/93 Scott	A cross over line on a semi-truck was damaged by road debris. The driver pulled over at a truck stop. Approximately 150 gallons of diesel fuel leaked into a storm sewer system. No surface waters were impacted by the spill.	Calco Express 1761 W. Paulson Road Green Bay, Wisconsin	Davenport Hazmat responded to the spill. The spill was confined to the storm sewer system. Diesel fuel was flushed from the system and pumped out at a downgradient location.
06/21/93 Linn	A gasket leaked on piping leading to a storage tank, spilling up to 800 gallons of 1% acetic acid. The acid mixed with rain water. No impacts to surface waters were observed.	Quaker Oats PO Box 1548 Cedar Rapids, Iowa	A sump was dug to help recover product. Product was then recovered using a vacuum truck. Lime was placed in the excavation to neutralize the acid.

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NUMBER OF LUST CLEANUPS COMPLETED

During the period of June 1, 1993 through June 30, 1993, the following number of LUST cleanups were completed.

10 (590)

The number in parentheses represents the total number of LUST cleanups through June 30, 1993.

REPORTS OF RELEASES--FROM UNDERGROUND STORAGE TANKS

During the period of June 1, 1993 through June 30, 1993, the following number of releases from underground storage tanks were identified.

20 (36)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Nordstrom Oil Co., Cedar Rapids (1)	Hazardous Condition	Remedial Action	Amended Order	5/25/93
Oakwood Park Water, Inc., Ankeny (5)	Drinking Water	MCL-Other Inorganics; Public Notice	Order/Penalty	6/08/93
Carlisle, City of (5)	Wastewater	Compliance Schedule	Amended Order	6/08/93
Thomas L. Burt, et al., Butler Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty	6/21/93
South Dallas County Landfill Assoc. (5)	Solid Waste	Cover Violations	Order/Penalty	6/21/93
Blue Spruce Feedlots, Inc., Pottawattamie Co. (4)	Wastewater	Prohibited Discharge	Order/Penalty	6/21/93
Montour, City of (5)	Wastewater	Operational Violations	Amended Order	6/22/93
Orlo A. Stewart, et al., Webster Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty	6/22/93
Valley Restaurant, Inc.; Sierp Oil Co.; Mary and Carl Sierp; Robert C. and Karen Rodford, Villisca (4)	Underground Tank	Site Assessment	Order/Penalty	6/22/93
Dubuque Regional Airport, Dubuque (1)	Drinking Water	Permit Condition Violation	Order/Penalty	6/28/93
Dubuque, City of (1)	Wastewater	Discharge Limits	Order/Penalty	6/28/93
Cliff Place, Waverly (1)	Drinking Water	Permit Condition Violation	Order/Penalty	6/28/93
Foodliner, Inc., Eddyville (6)	Wastewater	Pretreatment	Order/Penalty	6/28/93

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Eddyville, City of (6)	Wastewater	Discharge Limits; Pretreatment	Order	6/28/93
Clement Auto and Truck, Inc., Ft. Dodge (2)	Underground Tank	Site Assessment	Order	6/28/93
Trust Trucking Corp.; Jim and Brenda Huyser, Lovilia (5)	Underground Tank	Site Check	Order/Penalty	6/28/93
U.S. Dept. of Defense (Old Graham Fuel Farm), Sioux City (3)	Underground Tank	Site Assessment	Order/Penalty	6/28/93
Ronald Long; Dennis Good; Berniece Nease; Donald and DeLoe Hardy, Red Oak (4)	Underground Tank	Site Assessment	Order	6/28/93
The Full Moon Saloon, Jesup (1)	Drinking Water	Operation Without Permit	Order/Penalty	6/29/93
The Zipper, Festina (1)	Drinking Water	Operation Without Permit	Order/Penalty	6/29/93
Gary Fuller, Hardin Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty	6/29/93
Hopkinton, City of (1)	Wastewater	Discharge Limits	Order	6/29/93

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Carson Grain & Implement (Coggon)	UT	1,000	8-31-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-31-92
Charles Henneman (Mitchel Co.)	SW	450	1-16-93
*Seven Ponds Park (Des Moines Co.)	WS	435	5-01-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Mike's Prairie Home (Ollie)	WS	500	5-10-93
McGill Asbestos Abatement Co., Inc. (Council Bluffs)	AQ	500	5-13-93
*63-30 Cafe (Moore Oil Co.) (Malcom)	WS	800	5-20-93
Anderson Excavating & Wrecking Co. (Council Bluffs)	AQ	500	5-28-93
*Delano's Lounge (Washington)	WS	475	7-01-93
Sale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-16-93
Robert Sodwell (Winterset)	UT	300	7-27-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-37-93
Franklin Raymond (Pacific Junction)	UT	300	7-37-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
Oakwood Park Water, Inc. (Ankeny)	WS	1,000	8-14-93
South Dallas County Landfill Assoc. (Dallas Co.)	SW	1,000	8-28-93
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	NW	5,000	8-28-93
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000	-----
Orlo Stewart, et.al. (Webster Co.)	SW	1,000	-----
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000	-----
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300	-----
Dubuque Regional Airport (Dubuque)	WS	300	-----
Cliff Place (Waverly)	WS	300	-----
Foodliner, Inc. (Eddyville)	NW	1,000	-----
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	-----
U.S. Dept. of Defense (Sioux City)	UT	5,720	-----
Full Moon Saloon (Jesup)	WS	300	-----
The Zipper (Festina)	WS	300	-----
Gary Fuller (Hardin Co.)	NW	300	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89

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*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Fregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	9-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
R.D. Loftin, DVM (Osage)	UT	300	2-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Keokuk)	UT	300	8-26-92
Midway Water & Lighting (Marion)	WS	860	10-07-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pacey d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Seven Ponds Park (Des Moines County)	WS	535	11-03-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Poland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Bernard Gavin Veterinary Clinic (Weillsburg)	UT	600	1-22-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sharp Oil Co. (Casey)	UT	300	2-10-93

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	WW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	HC	1,000
Chicago & North Western Transportation, et.al.	WS	350
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	SW	1,000
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	FP	500
Oskaloosa, City of	WW	1,000
Wilton, City of	WW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Dehl Oil Ltd. (Sioux City)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Farmers Cooperative Elevator (Martelle)	HC	1,000
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staup d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Country Estates Mobile Home Park (Long Grove)	WS	765
Chickasaw Co. SLP, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Render (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulsizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000

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Fausser Oil Company, Inc. (Elgin)	UT	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Molnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winnesieck Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Newton, City of	SW	1,000
Wells Dairy, Inc. (LeMars)	NW	5,000
LeMars, City of	NW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/NW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Enviro Safe Air, Inc. (Sioux City)	AQ	100
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy M. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Casey's General Stores, Inc. (Anamosa)	AQ	1,000
Iowa-Illinois Thermal Insulation, Inc. (Clinton)	AQ	100
R. Excavating, Inc. (Council Bluffs)	AQ	1,000
Technical Asbestos Control, Inc. (Davenport)	AQ	500
Midwest Asbestos, Inc. (Cedar Falls/Tama)	AQ	500
Advanced Technologies Corp. (Cedar Falls)	AQ	1,000
Advanced Technologies Corp. (Cedar Falls)	AQ	500
Technical Asbestos Control, Inc. (Davenport)	AQ	200
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	3,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	NW	500

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
D. Frank/D. Scheib/Interstate Salvage (Webster Co.)	AQ	250
Nordstrom Oil Company (Cedar Rapids)	HC	250
Diversified Industries, Inc. (Otho)	AQ	500
Delano's Lounge (Washington)	WS	25
Goodell, City of	WS	150
Dubuque, City of	NW	9,000

TOTAL 9,275

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Afa Corner Oil Co. Carroll (4)	Hazardous Condition	Remedial Action	Order	Referred Petition Filed Remediation Plan Rejected	12/16/91 12/16/92 3/30/93
American Meat Protein Corp Lytton (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted Trial Date	10/21/91 4/30/92 12/16/92 1/25/94
Ames Golf & Country Club Ames (5)	Updated Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred Closed	8/19/91 7/6/93
Ames, William D. Woodbury County (3)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/93
Anasco Oil Company Des Moines (5)	Underground Tank	Remedial Action	Referred to Attorney General	Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 10/25/91
Anthony, City of (3)	Wastewater	Discharge Limits	Order	Referred Petition Filed	11/16/92 3/22/93
Behounek, Paul and Todd Tama (5)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/18/92 12/11/92
Burroughs, Kenneth A. Crescent (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Boley, Fred d/b/a Boley Oil McCausland (6)	Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed Trial Date	2/17/92 9/03/92 12/14/92 8/26/93
Carney, Dan and Gertrude Ft. Dodge (2)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 1/25/92

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date	
Centerville, City of (5)	Updated	Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed Consent Decree (\$1,000/Cord)	10/19/92 6/27/93 6/28/93
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93	
Chicago & Northwestern Transportation Co. Stanwood (6)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/27/92 4/28/93	
Cole Industries, Inc. Des Moines (5)	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93	
Delanos Lounge Washington (6)	Drinking Water	MCL-Bacteria Ming/Ryberg - Nitrate	Order/Penalty	Referred Petition Filed	1/19/93 4/22/93	
Dowd, Dennis D & D Tire Company Murray (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93	
Dutton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 8/26/92 12/26/93	
Ecology Enterprises, Inc. Hallen D. DeVos, Michael Murray, Robert Rausch Chickasaw County (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/15/92 3/24/93	
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn 1 units Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90	
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence	9/16/91 9/18/91 12/30/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93	
First Iowa State Bank Albia (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Ruling on Petition for Judicial Review Appeal to In Supreme Court State Filed Brief Oral Arguments Oral Arguments Decanted Petition for Rehearing	4/12/91 3/22/92 3/31/92 6/6/92 5/13/93 6/16/93 6/9/93
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93	
Giese Construction Co. Ft Dodge (2)	Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed	5/29/92 3/26/93	
Giese Construction Co. Ft Dodge (2)	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed	1/19/93 3/26/93	

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Grell, Don d/b/a Dodge Enterprises Ft. Dodge (2)	Updated Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Date Judgment for \$10,000	3/15/93 3/25/93 4/19/93 6/14/93
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed	3/15/93 4/15/93
IBP, Inc. Columbus Junction (6)	Updated Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal Appellant's Brief	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93 6/25/93
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred	5/17/93
Iowa City, City of (1)	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed	4/20/92 1/28/93
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Landfill of Des Moines, Inc. Des Moines #4 (5)	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 7/12/93
Landfill of Des Moines, Inc. Des Moines #5 (5)	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 7/12/93
Lytton, City of (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed (Added to A.M.P.C.) Trial Date	5/18/92 12/28/92 1/25/94
Massion, Donald Rolfe (3)	Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinnis Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Refutation	3/12/91 5/01/91 3/26/92
Midway Water & Lighting Marion (1)	Drinking Water	Mtrg/Rptg. MCL-Bacteria	Order/Penalty	Referred Petition Filed	12/21/92 4/21/93
Monfort, Inc. Des Moines (5)	Updated Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Pulk Co.) Pre-Trial Hearing Trial Date Guilty Verdict Motion for New Trial Hearing on Motion Verdict Set Aside	12/11/89 7/19/91 7/31/92 1/22/93 1/25/93 2/12/93 3/16/93 4/15/93
Morse, Ron d/b/a 61-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rptg. Nitrate, Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin)	11/16/92 4/02/93
Murphy, Craig d/b/a Seven Ponds Park Sperry (6)	Updated Drinking Water	Mtrg/Rptg. Bacteria & Nitrate	Order/Penalty	Referred Payment Schedule (\$535/Admin) Received \$480.65	12/21/92 3/08/93 6/30/93
Nelson, Harold d/b/a Nelson Phillips 66 Harlan (4)	Updated Underground Tank	Closure Investigation	Referred to Attorney General	Referred Consent Decree	4/20/92 6/07/93
Piont, Robert B. Piont Brothers Trucking Kossley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date	
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Drinking Water	Mtrg/Rptg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/05/93	
Prins, John, Bradford Paving Bradford (2)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	10/10/92 12/24/92	
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92	
Schultz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/92 8/06/93 11/08/93	
Sharp, Tim Gas-N-Gas Newton (5)	Underground Tank	Site Check	Order/Penalty	Referred	5/17/93	
Shelley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000 Admin. Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93	
Smith, Dan Duffies Center (5)	Updated	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed Trial Date	10/19/92 3/06/93 12/01/93
Soo Line Railroad Co Mason City (2)	Wastewater Hbz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred Petition Filed	7/15/91 12/17/92	
Stark, Mervon Kellerton (4)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	10/19/92 4/16/93	
Starling, Vern Perry (5)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/14/93	
Tandon-Jak Park Assoc. Fort Dodge (2)	Updated	Drinking Water	Mtrg/Rptg. Bacteria/Mtrg Organics/Rads.	Order/Penalty	Referred Motion for Judgment Judgment for \$401.00	7/20/92 4/07/93 5/01/93
Van Hulzen, Kenneth Oskaloosa (5)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Motion for Judgment Judgment for \$350.00	6/15/92 12/02/92 1/06/93
Vonderhaar, Leonard Holy Cross (1)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	8/17/92 3/24/93	
Waterset, City of (5)	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed	7/20/92 3/23/93	
Wunschel, Vernes Ida Grove (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92	
Yates, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92	
Young, David Surp Oil Company Centry (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/11/93	
Young Radiator Co. Centerville (5)	Updated	Wastewater	Pretreatment	Order	Referred Petition Filed Consent Decree (\$12,200/Cred)	11/15/92 6/07/93 6/08/93

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwin Soil Service	Administrative Order	WM	Landa	Hearing continued.
5-12-87	Iowa City Regency NHP	Administrative Order	WM	Hansen	Facility requested DNR calculate ULA and permit limits for proposed upgrade.
1-15-88	First Iowa State Bank	Administrative Order	SU	Kennedy	Final opinion 6/13/93.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Morseon	SCR submitted - more work required.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing 7/16/93.
1-25-89	Amoco Oil Co. - Des Moines 7LT103	Administrative Order	UT	Morseon	Clean-up progressing. Review progress.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Morseon	Compliance initiated. Review progress.
6-08-89	Shaver Road Investments	Site Registry	WM	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	WM	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	WM	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	Petition for judicial review of agency action. District court affirms Dept. - 4/23/93.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/11P	Site Registry	HC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chempex Co. Site	Site Registry	WM	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SU	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	WM	Landa	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pizler	Site Registry	WM	Landa	Decision appealed (Pizler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	WM	Preziosi	Hearing set for 8/5/93.
9-10-90	IBP, Inc. Columbus Junction	Administrative Order NPDES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Morseon	Demand letter sent.
9-20-90	Duane Schwartzing	Variance Denial	SU	Kennedy	Hearing continued.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10-15-90	Westside General Store Corp.	Administrative Order	UT	Vornson	Investigate alternatives-finalize inability, etc.
10-18-90	Merian Pruess	Claim	NC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Vornson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing set for 7/24/93.
1-09-91	Iowa Southern Utilities	Administrative Order	NC	Preziosi	Hearing continued to 8/09/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Negotiating settlement.
3-22-91	Mitchell Bros. Soars and Gilts	Administrative Order	WV	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WV	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WV	Hansen	6/7/93 - Settlement offer to City. 6/29/93 - Offer accepted; additional extension requested.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	NC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	NC	Murphy	Firestone proceeding with site investigation.
7-22-91	Rupp Tire	Administrative Order	UT	Vornson	Demand letter sent.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	NC	Murphy	Hearing continued. Compliance hearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
12-31-91	Linden Water Supply	Administrative Order	VS	Hansen	6/15/93 - Settlement offer accepted by City. Closed.
1-07-92	Viola, City of	Administrative Order	VS	Hansen	2/93 revised report reviewed by VS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	VS	Hansen	Ltr. received 7/28/92 regarding compliance. Settlement offer to VS.
1-21-92	Dell Oil, Ltd.	Administrative Order	NC	Vornson	Settlement draft proposed.
1-30-92	Center Oil Co., Inc.	Administrative Order	NC	Murphy	Negotiating before filing.
2-25-92	Wordstrom Oil Co.	Administrative Order	NC	Murphy	Settled.
2-28-92	William H. Viner	Administrative Order	UT	Vornson	Consent order drafted. Awaiting execution.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing; compliance initiated.
3-30-92	White Consolidated Industries	Administrative Order	WM	Hansen	Negotiating before filing.
3-30-92	Dennis Frank/Dennis Steib d/b/a Franks Auto Salvage	Administrative Order	AQ	Kennedy	Settled.
4-03-92	Charles P. Schafer; Stringtown Properties; First Community National Bank	Administrative Order	UT	Wornson	Awaiting settlement signatures.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SU	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting documents.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WM	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lystine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Glas	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Wornson	Demand letter sent.
6-15-92	Country Estates HWP	Administrative Order	WS	Clerk	Settled.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SU	Kennedy	Negotiating before filing.
6-24-92	Karl Ludwig; Jena, Inc.; Molo Oil Co.; TFM Co.	Administrative Order	UT	Wornson	Hearing set for 7/28/93.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SU	Kennedy	Settlement pending.
7-01-92	Richard A. Newman	Administrative Order	SU	Kennedy	Sent to DIA.
7-01-92	Des Moines Independent School District-Worth High	Administrative Order	WM	Murphy	Firestone proceeding with site investigation
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SU	Kennedy	Negotiating before filing.
8-13-92	Ida County Sanitary Landfill	Administrative Order	SU	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clerk	Negotiating before filing.
8-24-92	Dean Knoess d/b/a Knoess & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Wornson	Compliance initiated-awaiting report.
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Settlement close.
9-03-92	Casa Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clerk	Negotiating before filing.

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Environmental Protection Commission Minutes

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES July 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALS	PROGRAM	ASSIGNED TO	STATUS
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace HWP	Administrative Order	WV	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Draft settlement consent order.
10-12-92	Eldon Kranbeck	Administrative Order	AQ	Preziosi	Hearing set for 7/30/93.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. Making demand for penalty.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Settlement close.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	WV	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WV	Hansen	4/26/93 Dept. letter to facility rejecting revised assessment plan.
11-16-92	Frank Kulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WV	Kennedy	Informal meeting 12/4/92.
12-04-92	Fausser Oil Co., Inc.	Administrative Order	UT	Wornson	Demand letter sent.
12-14-92	Quantum	Permit Conditions	WV	Hansen	1/23/93 - info submitted for EPA review. 3/30/93 Dept. settlement offer made. 5/03/93 - response from company.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	IBP, Inc. Geneseo, IL	SW Denial	SW	Kennedy	Negotiating before filing.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	WC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Lehigh Portland Cement	Permit Conditions	WV	Hansen	Settlement letter to company. Response due 6/30/93.
1-29-93	Case Corporation	Permit Conditions	VS	Hansen	3/1/93 Case proposed to DNR to resolve appeal.
2-19-93	188 Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Hearing set for 7/06/93.
2-24-93	Salem Lutheran Church	VS Classification	VS	Clark	Settled.
3-04-93	Diversified Industries	Administrative Order	AQ	Preziosi	Settled.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Lend Renu, Inc.	Administrative Order	SW	Wornson	Negotiating penalty. Compliance by 6/30.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Analyzing financial inability.
3/19/93	Molman Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.

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Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES July 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3/29/93	Henning Wood, Inc.	Administrative Order	SU	Kennedy	Negotiating before filing.
4/02/93	Newton, City of	Administrative Order	SU	Kennedy	Negotiating before filing.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/05/93	Mapleton, City of	WM Operator Certification	WM	Hansen	Under review by EPD.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	Hearing set for 7/07/93.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WM	Preziosi	Negotiating before filing.
4/09/93	Wells Dairy, Inc.	Administrative Order	WM	Hansen	Plan of action submitted. Under review by EPD.
4/12/93	Letfars, City of	Administrative Order	WM	Hansen	Plan of action submitted. Under review by EPD.
4/16/93	Phil McMains	Administrative Order	SU	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WM	Hansen	Under review by EPD.
4/19/93	Enviro Safe Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/21/93	Donald Udelt	Administrative Order	SU	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SU	Kennedy	Negotiating before filing.
4/26/93	Caseys General Store	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/26/93	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/29/93	Technical Asbestos Control	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/30/93	R. Excavating, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/07/93	Midwest Asbestos, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/10/93	Advanced Technologies	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/10/93	Advanced Technologies	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/14/93	Goodell, City of	Administrative Order	US	Clerk	Settled.
5/21/93	Technical Asbestos Control	Administrative Order	AQ	Preziosi	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clerk	Negotiating before filing.
5/28/93	Des Moines County Regional Solid Waste Commission	Administrative Order	SU	Kennedy	Negotiating before filing.
6/01/93	Graham Fire Co. of Spencer	Administrative Order	UT	Wornson	New case.
6/17/93	Laurence Schmitt, Gerald Schmitt, Ruane Schmitt, Vernon Schmitt, and Ruth Ann Frieders	Permit Issuance	FP	Clerk	New case.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	New case.
6/29/93	Hel-Ray MHP and Sales	Administrative Order	WM	Clerk	New case.

E93Jul-68

William Ehm asked what was meant by the "verdict set aside" notation shown on the Monfort case, on the A.G. Referrals report.

Mr. Murphy responded that it means the department lost the case and he expanded on same.

Director Wilson commented that a jury found them guilty, then a judge subsequently said they were not guilty. Mr. Murphy added that he understood that it had something to do with errors made in instructions to the jury.

Mr. Murphy pointed out that in the Leo Schachtner matter two appeals were received, one from Mr. Schachtner and one from the property owner. He noted that staff intended to handle those separately. He reviewed that in the Schachtner matter, the Commission specifically directed that any future hearing be dealt with by the Commission itself. He related that that hearing will be coming up in the near future and asked for the Commission's direction on how they want to handle it. Mr. Murphy advised that there will be 1-2 days testimony to be heard and staff would suggest the Commission have an Administrative Law Judge work with them on it. The property owner had no objections to going through the normal procedures with an ALJ.

Mr. Murphy explained the following options the Commission could take: 1) hold the hearing by themselves, without an ALJ; 2) turn it over to an ALJ for everything up to the hearing and then have the ALJ sit in on the hearing to assist the Commission; 3) choose a committee of Commission members to sit in on the hearing with an ALJ present.

Discussion followed regarding how the Commission would like to handle the hearing.

William Ehm stated that if the Commission hears the case, he would like to have an ALJ present and have that person write the Order. Consensus of the Commission was to have the ALJ and the Commission present during the hearing and that the ALJ write the Order.

Mr. Murphy stated that he will send notice to the ALJ expressing the Commission's desire to conduct the hearing with an ALJ present.

Discussion followed regarding when the hearing might be held and Mr. Murphy indicated that scheduling will be coordinated by the ALJ.

Director Wilson asked that the hearing be held openly and with an objective view.

INFORMATIONAL ONLY

NOTICE OF TERMINATION--CHAPTER 82, WELL CONTRACTOR CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

July 1993

Environmental Protection Commission Minutes

The department requests the Environmental Protection Commission to approval the Notice of Termination for the Well Contractor Certification rules. At the March meeting, the Commission adopted and filed the rules emergency. The rules became effective on the date they were filed. In addition to this action the Commission approved the rule changes to go to public hearing for comments. The public hearing was held on May 4, 1993. The attached response summary provides a discussion of the comments received and the departments discussion and recommendation. The response summary recommends no changes be made to the rules. Since the rules are already in effect, the appropriate action to be taken at this time is to terminate this rule making action.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Termination

Pursuant to the authority of the Iowa Code section 455B.105, the Environmental Protection Commission hereby terminates the rulemaking initiated by its notice of Intended Action published in the Iowa Administrative Bulletin on April 14, 1993 as ARC 3910A, amending Chapter 82, "Well Contractor Certification," Iowa Administrative Code.

The amendments in the Notice were also Adopted and Filed Emergency as ARC 3911A. The Commission has determined that the comments received in response to the Notice do not warrant changes to the emergency adopted amendments. Therefore, there is no need to proceed with rulemaking for ARC 3910A.

Larry J. Wilson, Director

Date

(A copy of the responsiveness summary is on file in the department's Records Center)

Mr. Stokes gave a brief explanation of the rule termination and reasons for same.

Motion was made by William Ehm to approve the Notice of Termination--Chapter 82, Well Contractor Certification. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 40-43, WATER SUPPLY RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

E93Jul-70

The Environmental Protection Commission is requested to approve both of the attached proposed final rules. The first set of rules are consistent with adopted federal rules. They incorporate U.S. EPA "Phase V" regulations for inorganic chemicals, volatile organic chemicals, and synthetic organic chemicals.

The rules amend current rules for inorganic and organic chemicals

- ◆ revising or setting new standards for maximum contaminant levels
- ◆ monitoring requirements
- ◆ analytical procedures.

They set or revise MCLs for 5 inorganic and 18 organic chemical contaminants. Monitoring requirements will be phased in over three years.

A Response Summary is also attached that provides the comments received, a discussion of the issue and the Department's recommendation.

If adopted, these rules will increase the number of drinking water contaminants regulated by the Department to 84.

The second set of rules are the technical corrections needed to keep the existing rules equivalent to the federal rules and gain EPA approval of the water supply program.

(A copy of the Notice of Intended Action is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rules.

Chairperson Hartsduck pointed out a typographical error on page 3, in regards to the MCLs for Asbestos.

Mr. Stokes noted that it should show 110 micrometers.

Brief discussion followed.

Motion was made by William Ehm to approve Final Rule--Chapters 40 - 43, Water Supply Rules. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS
ANTIDEGRADATION POLICY

July 1993

Environmental Protection Commission Minutes

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the attached Notice of Intended Action is requested. The NOIA would initiate formal rulemaking to clarify that the repair and maintenance of a drainage district ditch would not be considered a violation of the Commission's water quality antidegradation policy.

During the recent rulemaking effort for Round V of the stream use designations, drainage interests questioned the impact the use designations, in combination with the Commission's water quality antidegradation policy, would have on district ditch maintenance. Although detailed information was presented in the Responsiveness Summary which showed the Department does not and cannot under existing water quality rules regulate drainage district ditch maintenance, the Commission requested that language be drafted which would clearly indicate drainage district ditch maintenance would not violate the antidegradation policy. The attached NOIA would amend the water quality antidegradation policy to make the requested changes.

Three public hearings will be held; one in the southeast part of the state, one in the north central part, and one in Des Moines. Comments concerning the drainage ditch issue were from the southeast and north central areas of the state. Specific locations will be available by the time of the Commission meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105, 455B.173 and 455B.278, the Environmental Protection Commission gives notice of intended action to amend Chapter 61, "Water Quality Standards," and Chapter 70, "Scope of Title - Definitions - Forms - Rules of Practice", Iowa Administrative Code.

The proposed rule amendments would clarify that the repair and maintenance of a drainage district ditch would not be considered a violation of the Commission's water quality antidegradation policy. The definition of "repair and maintenance of a drainage district ditch" currently found in Chapter 70 and referenced in the proposed revisions to the water quality antidegradation policy would also be revised to reflect statutory changes and to clarify what constitutes a drainage district ditch.

Comments received by the Commission in a previous rule making effort questioned whether proposed stream use designations for drainage district ditches in combination with the Commission's water quality antidegradation policy could be construed to prohibit the repair and maintenance of drainage district ditches. Although the antidegradation policy as presently implemented cannot be used to prohibit drainage district ditch repair and maintenance, it was pointed out that the policy did not explicitly exempt drainage district ditch repair and maintenance. The Commission is amenable to making the necessary changes to allay these concerns. Item 1 proposes changes to the water quality antidegradation policy which would

E93Jul-72

specifically state that the repair and maintenance of a drainage district ditch would not be considered a violation of the water quality antidegradation policy.

Rather than include a definition of the repair and maintenance of a drainage district ditch in Chapter 60, which contains water quality related definitions, the revisions as proposed in Item 1 reference the definition currently found in Chapter 70. Chapter 70 contains definitions used in the administration of the Commission's floodplain management program. The existing definition includes a reference to Iowa Code Chapter 455. The reference to Chapter 455 is being changed to Chapter 468 to reflect legislation which consolidated various drainage statutes into Chapter 468. In addition, it has been pointed out that some drainage ditches may not actually have been constructed by a drainage district but are currently within a district. The proposed changes in item 2 clarify that any ditch within a drainage district established under the provisions of Chapter 468 is considered a drainage district ditch for the purpose of implementing the Commission's floodplain management and water quality programs.

Any interested person may make written suggestions or comments on these revisions prior to _____, 1993. Written suggestions or comments should be sent to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building, Des Moines, IA 50319. Interested persons are also invited to present oral or written comments at public hearings which will be held: _____.

These rules should not have an impact upon small businesses.

Copies of relevant Commission rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034

These rules are intended to implement Iowa Code chapter 455B, division III, part 1 and division III, part 4.

The following amendments are proposed:

Item 1. Paragraph 567-61.2(2)h. is amended to read as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567-Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567-Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567-70.2 will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR

330, numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 32, 33, 34, 36, 37, 38, and 40, as promulgated November 22, 1991, are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Item 2. The definition of "repair and maintenance of a drainage district ditch" found at 567-70.2 is amended to read as follows:

"Repair and maintenance of a drainage district ditch" means the restoration of the original grade line, cross sectional area, or other design specifications of a drainage district ditch lawfully ~~constructed by a drainage district formed~~ established as part of a drainage district formed and operating under the provisions of Iowa Code Chapter 455 468.

Mr. Stokes gave a brief review of the rules.

Motion was made by Rozanne King to approve Notice of Intended Action--Chapter 61, Water Quality Standards - Antidegradation Policy. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 72, FLOODPLAIN DEVELOPMENT, PROTECTED STREAMS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the attached Notice of Intended Action is requested. The NOIA would initiate formal rulemaking to add 138 stream segments to the approximately 115 stream segments currently considered as Protected Streams under 567-72.50(2). The NOIA would also correct a typographical error found in 567-72.52.

The stream segments being proposed for Protected Stream status were contained in a petition filed with the Commission by the Natural Resource Commission and are based on recommendations from the Department's Fish and Wildlife Division. The petition provides the documentation specified in 567-72.51 to begin formal rulemaking procedures to add the 138 streams or stream segments to the existing Protected Streams. The existing Protected Streams are primarily streams in the Northeast portion of Iowa; the proposed additions have a much broader geographic distribution. No streams or stream segments being proposed for Protected Stream status are known to be within an organized drainage district

Protected Streams are given special consideration under the Department's Floodplain Development rules in that:

- Channel changes are essentially prohibited on Protected Streams. Variances can be granted only if a channel change is part of a public project such as a roadway and is the only reasonable and practicable alternative or if bank erosion is threatening the stability of a building and erosion control measures are not feasible or practical.
- The regulatory jurisdiction for channel changes includes the entire protected reach, regardless of drainage area. For streams not classified as Protected Streams, channel changes on streams draining less than 10 square miles in rural areas or two square miles in urban areas are not regulated. Therefore, for some small streams, the Department's channel change jurisdiction is extended downward.

Protected Stream status does not insure that the entire riparian corridor will be left in its natural state; it only provides reasonable assurance the channel will be left in a natural, unchannelized condition. Projects such as bank stabilization and bridges or projects on the floodplains of such streams would not be prohibited by the Protected Stream designation.

Public hearings will be held in six locations around the state. In addition, extensive notifications of county Boards of Supervisors, regional planning commissions, city councils, and Soil and Water Conservation Districts will be made.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455A.6, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 72, "Special Criteria For Various Types Of Flood Plain Development," Iowa Administrative Code.

The proposed amendments would correct a typographical error in 567-72.52 and add 138 stream segments to the approximately 115 streams segments currently designated as Protected Streams under 567-72.50(2). The typographical error in 567-72.52, Protected stream declassification procedure, references the list of protected streams as 72.5(2) while the correct reference should read 72.50(2). The proposed stream segments were included in a petition filed with the Environmental Protection Commission by the Natural Resource Commission.

Designating a stream or stream segment as a Protected Stream recognizes the unique characteristics of that stream. A stream or stream segment may be considered for the Protected Stream designation if it possesses a sufficient number of environmental amenities. The Environmental Protection Commission has determined that the stream segments being proposed for Protected Stream status do possess a sufficient number of environmental amenities to warrant

further investigation. The Commission's final decision on whether or not to classify a stream as a Protected Stream must be based on the costs and benefits of possible floodplain development as it would affect the following factors: a) maintenance of stream fishery capacity, b) water quality preservation, c) wildlife habitat preservation, d) flood control, e) flood plain management, f) existing flood plain developments, g) soil erosion control, h) the needs of agriculture and industry, i) the maintenance and enhancement of public recreational opportunities, j) the public's health, welfare and safety, k) compatibility with the state water plan, l) property and water rights of landowners, or m) other factors relevant to the control, development, protection, allocation, and utilization of the nominated stream and water hydrologically connected to it.

The existing Protected Streams are primarily streams in the Northeast portion of Iowa; the proposed additions have a much broader geographical distribution. No stream or stream segments being proposed for Protected Stream status are known to be within organized drainage districts.

Extensive channel changes on a stream can destroy a stream's ability to support a diverse aquatic and wildlife community and to moderate flood peaks. The Commission's rules governing flood plain development essentially prohibit channel changes on Protected Streams. Variances are only allowed in limited circumstances. Therefore, the Protected Stream designation provides reasonable assurance that the unique characteristics of those streams will be maintained. Protected Stream status does not prohibit projects such as bridges and streambank protection on those streams nor does it prohibit development on their floodplains.

Any person may submit written suggestions or comments on the proposed rule changes through September 25, 1993. In particular, comments are solicited as to the effects that extending department flood plain regulations by designating the proposed streams as Protected Streams would have on any or all of the factors listed in the third unnumbered paragraph, above. These comments should specify the stream or streams to which those comments apply. Such written material should be submitted to Ralph Turkle, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, or FAX # (515)281-8895. Persons who have questions may contact Ralph Turkle at (515)281-7025.

Persons are also invited to present oral or written comments at public hearings which will be held:

_____, 1993

10:30am in the Cherokee Community Center, 530 W. Bluff St., Cherokee.

7:00pm in the Clear Lake Community Meeting Room, 15 N. 6th St., Clear Lake

_____, 1993

1:00pm in the Opera House, 207 N. Main, Elkader

_____, 1993

10:30am in the Iowa City Public Library, Room A, 123 S. Linn St., Iowa City

7:00pm in the City Council Chambers, 220 W. Monroe, Mt. Pleasant

_____, 1993

10:30am in the Wallace Office Building, 4th Floor Conference Rooms, 900 E. Grand Ave., Des Moines.

Copies of relevant Commission rules may be obtained from Sarah Detmer, Records Center, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034

These rules are intended to implement Iowa Code sections 455B.261, 455B.262, 455B.263, 455B.264, and 455B.275.

ITEM 1. Amend subrule 72.52, first unnumbered paragraph, to reflect a typographical error as follows:

The procedure for removing a stream from the list of protected streams in 72.50(2) of these rules shall be the same as the rules for designation of a stream as a protected stream, except that all notices, investigations, and reports shall address the issue of declassification.

ITEM 2. Amend subrule 72.50(2) by alphabetically inserting the following streams into the location for each county.

ADAIR COUNTY

Middle River, east county line to confluence with unnamed creek (S36, T76N, R30W, Adair Co.);

ALLAMAKEE COUNTY

Paint Creek (a.k.a. Pine Creek), mouth (S9, T99N, R6W, Allamakee Co.) to west county line;

Paint Creek, mouth (S10, T96N, R3W, Allamakee Co.) to confluence with Little Paint Creek (S32, T97N, R3W);

APPANOOSE COUNTY

Chariton River, Highway 2 (S27, T69N, R17W, Appanoose Co.) to Rathbun Lake Dam (S35, T70N, R18W, Appanoose Co.);

BENTON COUNTY

Bear Creek, east county line to confluence with Opossum Creek (S 5/8, T84N, R9W, Benton Co.);

Bear Creek, mouth (S21, T86N, R10W, Benton Co.) to confluence with unnamed creek (NE 1/4, NE 1/4, S2, T86N, R10W, Benton Co.);

Cedar River, east county line to north county line;

Iowa River, south county line to west county line;

Lime Creek, mouth (S4, T86N, R10W, Benton Co.) to north county line;

Prairie Creek, mouth (S10, T85N, R10W, Benton Co.) to confluence with unnamed creek (S36, T86N, R10W, Benton Co.);

Salt Creek, mouth (S31, T82N, R12W, Benton Co.) to west county line;

Wild Cat Creek, mouth (S8, T84N, R9W, Benton Co.) to confluence with unnamed creek (W 1/2, S33, T84N, R10W, Benton Co.);

Wolf Creek, north county line to west county line;

BLACK HAWK COUNTY

Black Hawk Creek, mouth (S22, T89N, R13W, Black Hawk Co.) to west county line;
Cedar River, east county line to north county line
Crane Creek, mouth (S26, T90N, R11W, Black Hawk Co.) to confluence with unnamed creek (S3, T90N, R12W, Black Hawk Co.);
Shell Rock River, mouth (S4, T90N, R14W, Black Hawk Co.) to north county line;
Wapsipinicon River, east county line to north county line
West Fork Cedar River, mouth (S10, T90N, R14W, Black Hawk Co.) to west county line;
Wolf Creek, mouth (S19, T87N, R11W, Black Hawk Co.) to south county line;

BOONE COUNTY

Big Creek, south county line to confluence with unnamed creek (S34, T82N, R25W, Boone Co.);
Bluff Creek, mouth (S22, T84N, R27W, Boone Co.) to Don Williams Lake Outlet (S5, T84N, R27W, Boone Co.);
Des Moines River, south county line to north county line;

BREMER COUNTY

Cedar River, south county line to north county line
Shell Rock River, south county line to west county line
Wapsipinicon River, south county line to north county line

BUCHANAN COUNTY

Cedar River, south county line to west county line;
Lime Creek, south county line to confluence with unnamed creek (S1, T87N, R10W, Buchanan Co.);
South Fork Maquoketa River, east county line to confluence with major unnamed creek (S4, T90N, R7W, Buchanan Co.);
Wapsipinicon River, south county line to west county line;

BUENA VISTA COUNTY

Little Sioux River, north county line to north county line (entire length in county);
North Raccoon River, south county line to confluence with Poor Farn Creek (S15, T91N, R36W, Buena Vista Co.);

BUTLER COUNTY

Shell Rock River, east county line to north county line;
West Fork Cedar River, east county line to west county line;

CALHOUN COUNTY

Camp Creek, mouth (S7, T86N, R34W, Calhoun Co.) to confluence with unnamed creek (NE 1/4, NE 1/4, S28, T87N, R34W, Calhoun Co.);
Cedar Creek, mouth (S33, T85N, R32W, Calhoun Co.) to north county line;
Lake Creek, mouth (S23, T86N, R34W, Calhoun Co.) to confluence with D.D. 13 (S33, T88N, R32W, Calhoun Co.);
North Raccoon River, south county line to west county line;

CARROLL COUNTY

Middle Raccoon River, south county line to confluence with unnamed creek (SE 1/4, S15, T84N, R35W, Carroll Co.);
North Raccoon River, east county line to north county line;

CEDAR COUNTY

Cedar River, south county line to west county line;
Rock Creek, mouth (S2, T80N, R3W, Cedar Co.) to confluence with West Rock Creek (S11, T81N, R3W, Cedar Co.);
Sugar Creek, south county line to confluence with unnamed creek (S34, T80N, R2W, Cedar Co.);
Wapsipinicon River, east county line to north county line;
West Branch Wapsinonoc Creek, south county line to confluence with unnamed creek (North 1/2, S32,

T79N, R4W, Cedar Co.);

CERRO GORDO COUNTY

Beaverdam Creek, south county line to confluence with unnamed creek (S12, T95N, R22W, Cerro Gordo Co.);

Shell Rock River, east county line to north county line;

Spring Creek, mouth (S28, T97N, R20W, Cerro Gordo Co.) to confluence with Blair Creek (S9, T97N, R20W, Cerro Gordo Co.);

Willow Creek, mouth (S3, T96N, R20W, Cerro Gordo Co.) to confluence with Clear Creek (S16, T96N, R21W, Cerro Gordo Co.);

Winnebago River, east county line to west county line (entire length in county);

CHEROKEE COUNTY

Little Sioux River, south county line to north county line;

Maple River, south county line to confluence with unnamed creek (S29, T91N, R39W, Cherokee Co.);

Mill Creek, confluence with Willow Creek (S1, T93N, R41W, Cherokee Co.) to north county line;

CHICKASAW COUNTY

Cedar River, south county line to west county line

Crane Creek, east county line to confluence with unnamed creek (S25, T95N, R11W, Chickasaw Co.);

Little Cedar River, mouth (S20, T94N, R14W, Chickasaw Co.) to west county line;

Wapsipinicon River, south county line to north county line

CLAY COUNTY

Little Sioux River, west county line to north county line (entire length in county);

Lost Island Outlet, mouth (S35, T96N, R36W, Clay Co.) to County Road M 54 (S24, T96N, R36W, Clay Co.);

Muddy Creek, mouth (S15, T96N, R36W, Clay Co.) to County Road B 17 (north line, S23, T97N, R36W, Clay Co.);

Ochevedan River, mouth (S13, T96N, R37W, Clay Co.) to confluence with Stoney Creek (S7, T96N, R37W, Clay Co.);

Prairie Creek, mouth (S26, T96N, R36W, Clay Co.) to confluence with unnamed creek (SE 1/4, S35, T96N, R37W, Clay Co.);

Stoney Creek, mouth (S7, T96N, R37W, Clay Co.) to Highway 18 (S31, T96N, R37W, Clay Co.);

CLAYTON COUNTY

Bear Creek, west line S23, T91N, R5W, Clayton Co. to north line S26, T91N, R5W, Clayton Co.;

Bear Creek, mouth (S34, T92N, R4W, Clayton Co.) to south line S18, T91N, R4W, Clayton Co.;

Cox Creek, mouth (S21, T92N, R5W, Clayton Co.) to south line S12, T91N, R6W, Clayton Co.;

Elk Creek, mouth (S36, T92N, R4W, Clayton Co.) to south county line;

Ensign Creek, mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.);

Mossey Glen Creek, south line S4, T91N, R5W, Clayton Co. to south line S10, T91N, R5W, Clayton Co.;

Roberts Creek, mouth (S25, T93N, R5W, Clayton Co.) to confluence with unnamed creek (SE 1/4, S15, T95N, R6W, Clayton Co.);

South Cedar Creek, mouth (S33, T92N, R3W, Clayton Co.) to north line S7, T92N, R3W, Clayton Co.;

Steele's Branch, south line S32, T91N, R4W, Clayton Co.) to south line S32, T91N, R4W, Clayton Co.) (entire length in Section 32);

Volga River, mouth (S26, T92N, R4W, Clayton Co.) to west county line;

CLINTON COUNTY

Elk River, mouth (S20, T83N, R7E, Clinton Co.) to confluence with North Branch Elk River (S10, T83N, R6E, Clinton Co.);

Rock Creek, mouth (S35, T81N, R1E, Clinton Co.) to south county line;

Wapsipinicon River, mouth (S13, T80N, R5E, Clinton Co.) to west county line (entire length in county);

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Yankee Run, mouth (S23, T81N, R1E, Clinton Co.) to west county line;

CRAWFORD COUNTY

Boyer River, south county line to north county line;

DALLAS COUNTY

Des Moines River, east county line to north county line (entire length in county);

Middle Raccoon River, mouth (S9, T78N, R29W, Dallas Co.) to west county line (entire length in county);

North Raccoon River, mouth (S21, T78N, R27W, Dallas Co.) to north county line (S5, T81N, R29W, Dallas Co.) (entire length in county);

Raccoon River, east county line to confluence with North Raccoon River (S21, T78N, R27W, Dallas Co.);

DAVIS COUNTY

Des Moines River, east county line to north county line (entire length in county);

DECATUR COUNTY

Thompson River, Highway 69 (S35, T68N, R26W, Decatur Co.) to west county line;

DELAWARE COUNTY

Coffins Creek, mouth (S30, T89N, R5W, Delaware Co.) to confluence with Prairie Creek (S29, T89N, R6W, Delaware Co.);

Elk Creek, north county line to confluence with unnamed creek (center, S13, T90N, R4W, Delaware Co.);

Maquoketa River, south county line to confluence with South Fork Maquoketa River (S16, T90N, R6W, Delaware Co.);

Sand Creek, mouth (S9, T88N, R5W, Delaware Co.) to confluence with major unnamed creek (SW 1/4, S11, T88N, R6W, Delaware Co.);

South Fork Maquoketa River, mouth (S16, T90N, R6W, Delaware Co.) to west county line;

Spring Branch Creek, North line S2, T88N, R5W, Delaware Co. to major spring source, North of Highway 20 (S35, T89N, R5W, Delaware Co.);

Steele's Branch, north line S4, T90N, R4W, Delaware Co.) to west line S5, T90N, R4W, Delaware Co.);

DES MOINES COUNTY

Cedar Creek, mouth (S1, T69N, R5W, Des Moines Co.) to Geode Lake Dam;

Cedar Creek, west county line to confluence with unnamed creek (S18, T70N, R4W, Des Moines Co.);

Flint Creek, mouth (S28, T70N, R2W, Des Moines Co.) to confluence with unnamed creek (NW 1/4, S21, T71N, R4W, Des Moines Co.)

Skunk River, mouth (S8, T68N, R2W, Des Moines Co.) to east county line;

DICKINSON COUNTY

Little Sioux River, south county line to confluence with West Fork Little Sioux River (S7, T99N, R37W, Dickinson Co.);

DUBUQUE COUNTY

Catfish Creek, mouth (S5, T88N, R3E, Dubuque Co.) to south line S9, T88N, R2E, Dubuque Co.;

Little Maquoketa River, mouth (S26, T90N, R2E, Dubuque Co.) to confluence with Hogans Branch (S35, T89N, R1W, Dubuque Co.);

Brown Creek, mouth (S24, T99N, R34W, Emmet Co.) to Highway 9 (S18, T99N, R33W, Emmet Co.);

EMMET COUNTY

Des Moines River, south county line to north county line;

East Fork Des Moines River, east county line to Tuttle Lake Outlet (S13, T100N, R32W, Emmet Co.);

FAYETTE COUNTY

Brush Creek, mouth (S26, T93N, R7W, Fayette Co.) to confluence with Bear Creek (S8, T92N, R7W, Fayette Co.);

Crane Creek, mouth (S31, T95N, R9W, Fayette Co.) to west county line;

Grannis Creek, west line S36, T93N, R8W, Fayette Co. to unnamed major spring outlet in E 1/4, S36, T93N, R8W, Fayette Co.;

Little Turkey River, mouth (S18, T95N, R8W, Fayette Co.) to north county line;

North Branch Volga River, mouth (S33, T93N, R9W, Fayette Co.) to confluence with unnamed creek (S8, T93N, R9W, Fayette Co.);

Volga River, east county line to confluence with unnamed creek (S24, T93N, R10W, Fayette Co.);

FLOYD COUNTY

Cedar River, east county line to north county line

Little Cedar River, east county line to north county line

Rock Creek, mouth (S24, T97N, R17W, Floyd Co.) to north county line (entire length in county);

Shell Rock River, south county line to west county line;

Winnebago River, mouth (S14, T95N, R18W, Floyd Co.) to west county line;

FRANKLIN COUNTY

Beaver Creek, east county line to road crossing (S28, T90N, R19W, Franklin Co.);

Beaverdam Creek, mouth (S19, T93N, R19W, Franklin Co.) to north county line;

Iowa River, south county line to west county line (entire length in county);

Maynes Creek, confluence with unnamed creek (S12, T91N, R19W, Franklin Co.) to confluence with unnamed creek (S30, T91N, R20W, Franklin Co.);

Otter Creek, mouth (S29, T92N, R19W, Franklin Co.) to County Road C 23 (S31, T93N, R20W, Franklin Co.);

West Fork Cedar River, east county line to confluence with Beaverdam & Bailey Creeks (S10, T93N, R14W, Franklin Co.);

GREENE COUNTY

Cedar Creek, south county line to confluence with unnamed creek (S 1/2, S34, T86N, R32W, Greene Co.);

North Raccoon River, south county line to west county line (entire length in county);

GRUNDY COUNTY

Black Hawk Creek, east county line to confluence with Minnehaha Creek (S7, T87N, R16W, Grundy Co.);

Wolf Creek, east county line to confluence with unnamed creek (S32, T86N, R17W, Grundy Co.);

GUTHRIE COUNTY

Middle Raccoon River, Lake Panorama (S15, T80N, R31W, Guthrie Co.) to north county line;

Middle Raccoon River, east county line to Lake Panorama Outlet (S31, T80N, R30W, Guthrie Co.);

HAMILTON COUNTY

Boone River, west county line to north county line;

Des Moines River, west county line to west county line (entire length in county);

Eagle Creek, mouth (S6, T89N, R25W, Hamilton Co.) to north county line;

White Fox Creek, mouth (S33, T89N, R25W, Hamilton Co.) to north county line;

HANCOCK COUNTY

East Fork Iowa River, south county line to confluence with Galls Creek (S12, T95N, R24W, Hancock Co.);

West Fork Iowa River, south county line to County Road B 55 (S31, T95N, R24W, Hancock Co.);

Winnebago River, east county line to north county line (entire length in county);

HARDIN COUNTY

Iowa River, south county line to north county line;

School Creek, mouth (S28, T89N, R20W, Hardin Co.) to confluence with unnamed creek (S16, T89N, R20W, Hardin Co.);

South Fork Iowa River, mouth (S4, T86N, R19W, Hardin Co.) to Highway 359 (S11, T88N, R22W, Hardin Co.);

HENRY COUNTY

Cedar Creek, mouth (S9, T71N, R7W, Henry Co.) to west county line;
 Cedar Creek, upper extent of Geode Lake (S25, T70N, R5W, Henry Co.) to east county line;
 Crooked Creek, west county line to north county line;
 East Fork Crooked Creek, north county line (crossing near center of north line, S1, T73N, R6W, Henry Co.) to confluence with unnamed creek (N 1/2, S1, T73N, R6W, Henry Co.);
 Skunk River, south county line to west county line (NW 1/4, S30, T73N, R7W, Henry Co.) (entire length in Henry Co.);
 Wolf Creek, mouth (S8, T71N, R7W, Henry Co.) to confluence with unnamed creek (S1, T71N, R8W, Henry Co.);

HOWARD COUNTY

Chialk Creek, mouth (S1, T98N, R11W, Howard Co.) to north line S36 T99N, R11W, Howard Co.);
 Turkey River, Vernon Springs (S34, T99N, R11W, Howard Co.) to confluence with South Branch
 Turkey River (S2, T98N, R12W, Howard Co.);
 Wapsipinicon River, south county line to west county line

HUMBOLDT COUNTY

Des Moines River, south county line to confluence with East Fork Des Moines River (S19, T91N, R28W, Humboldt Co.);
 Des Moines River, confluence with East Fork Des Moines River (S19, T91N, R28W, Humboldt Co.) to north line S7, T92N, R30W, Humboldt Co.;
 East Fork Des Moines River, mouth (S19, T91N, R28W, Humboldt Co.) to north county line;

IDA COUNTY

Little Sioux River, west county line to north county line;
 Maple River, west county line to north county line;

IOWA COUNTY

Iowa River, east county line to north county line;

JACKSON COUNTY

Maquoketa River, mouth (S7, T85N, R6E, Jackson Co.) to west county line;
 Mill Creek, west line S6, T86N, R4E, Jackson Co. to confluence with unnamed creek (S1, T86N, R3E, Jackson Co.);
 Mill Creek, mouth (S18, T86N, R5E, Jackson Co.) to confluence with Little Mill Creek (S13, T86N, R4E, Jackson Co.);
 Mineral Creek, mouth (S32, T85N, R1E, Jackson Co.) to west county line;
 Pleasant Creek (a.k.a. Springbrook), confluence with unnamed creek (E 1/2, S11, T85N, R4E, Jackson Co.) to west line S11, T85N, R4E, Jackson Co.;
 South Fork Big Mill Creek, mouth (S8, T86N, R4E, Jackson Co.) to west line S17, T86N, R4E, Jackson Co.;
 Storybrook Hollow, mouth (S7, T86N, R4E, Jackson Co.) to south line S12, T86N, R3E, Jackson Co.;
 Tete des Morts River, mouth (S3, T87N, R4E, Jackson Co.) to confluence with unnamed creek (NW 1/4, S4, T87N, R3E, Jackson Co.);
 Unnamed Creek, mouth (S1, T86N, R3E, Jackson Co.) to west line S1, T86N, R3E, Jackson Co.;

JEFFERSON COUNTY

Competine Creek, mouth (S21, T72N, R11W, Jefferson Co.) to west county line;
 Crooked Creek, mouth (S1, T73N, R8W, Jefferson Co.) to east county line;
 Skunk River, east county line (east line, S13, T72N, R8W, Jefferson Co.) to north county line (North line, NW 1/4, S1, T73N, R8W, Jefferson Co.) (entire length in Jefferson Co.);

JOHNSON COUNTY

Cedar River, east county line to north county line;
 Clear Creek, Interstate 380 (S34, T80N, R7W, Johnson Co.) to confluence with unnamed creek (S29,

T80N, R8W, Johnson Co.);

Iowa River, south county line (south line, S32, T77N, R5W, Johnson Co.) to Coralville Dam (S22, T80N, R6W, Johnson Co.);

North Fork Old Man Creek, mouth (S31, T79N, R7W, Johnson Co.) to north line S23, T79N, R8W, Johnson Co.;

JONES COUNTY

Buffalo Creek, mouth (S10, T84N, R4W, Jones Co.) to west county line;

Maquoketa River, east county line to north county line.;

Mineral Creek, east county line to west line S29, T85N, R1W, Jones Co.;

Wapsipinicon River, south county line to west county line.;

KEOKUK COUNTY

North Skunk River, mouth (S5, T74N, R10W, Keokuk Co.) to west county line;

Skunk River, east county line to confluence with North & South Skunk Rivers (S5, T74N, R10W, Keokuk Co.);

South English River, east county line to confluence with unnamed creek (S6, T77N, R13W, Keokuk Co.);

South Skunk River, mouth (S5, T74N, R10W, Keokuk Co.) to confluence with Olive Branch Creek (S30, T75N, R13W, Keokuk Co.);

KOSSUTH COUNTY

Buffalo Creek, mouth (S21, T97N, R28W, Kossuth Co.) to confluence with North Buffalo Creek (S4, T97N, R27W, Kossuth Co.);

East Fork Des Moines River, south county line to west county line;

LEE COUNTY

Des Moines River, mouth (S34 T65N, R5W, Lee Co.) to west county line (entire length in county).

Skunk River, mouth (S8, T68N, R2W, Lee Co.) to north county line (entire length in county).

LINN COUNTY

Bear Creek, mouth (S21, T84N, R8W, Linn Co.) to west county line;

Buffalo Creek, east county line to Highway 13 (S10, T86N, R6W, Linn Co.);

Cedar River, south county line to west county line;

East Otter Creek, confluence with Otter Creek (S7, T84N, R7W, Linn Co.) to confluence with unnamed creek (S 1/2, S28, T85N, R7W, Linn Co.);

Wapsipinicon River, east county line to north county line;

LOUISA COUNTY

Cedar River, mouth (S20, T75N, R4W, Louisa Co.) to north county line;

Iowa River, mouth (S6, T73N, R2W, Louisa Co.) to north county line (NW 1/4, S6, T76N, R5W, Louisa Co.) (entire length in county);

Long Creek, mouth (S1, T74N, R4W, Louisa Co.) to west county line;

LUCAS COUNTY

Chariton River, Rathbun Lake (S34, T71N, R20W, Lucas Co.) to Highway 14 (S31, T72N, R21W, Lucas Co.);

White Breast Creek, north county line to confluence with unnamed creek (W 1/2, NW 1/4, S6, T71N, R23W, Lucas Co.);

Wolf Creek, mouth (S15, T71N, R21W, Lucas Co.) to confluence with unnamed creek (NE 1/4, S36, T71N, R22W, Lucas Co.);

LYON COUNTY

Big Sioux River, south county line to north county line;

Little Rock River, mouth (S35, T98N, R46W, Lyon Co.) to confluence with unnamed creek (S10, T98N, R44W, Lyon Co.);

Otter Creek, mouth (S21, T98N, R44W, Lyon Co.) to south county line;

Rock River, south county line to north county line;

MADISON COUNTY

Middle River, east county line to west county line;

Thompson River, south county line to confluence with unnamed creek (NW 1/4, S7, T74N, R29W, Madison Co.);

MAHASKA COUNTY

Des Moines River, south county line to west county line (entire length in county);

North Skunk River, east county line to north county line;

MARION COUNTY

Des Moines River, east county line to west county line (entire length in county);

White Breast Creek, mouth (S10, T76N, R19W, Marion Co.) to west county line;

MARSHALL COUNTY

Iowa River, east county line to Marshalltown Center St. Dam (S26, T84N, R18W, Marshall Co.);

Iowa River, confluence with Dowd Creek (S2, T85N, R19W, Marshall Co.) to north county line;

Minerva Creek, mouth (S2, T84N, R19W, Marshall Co.) to confluence with major unnamed creek (S9, T85N, R20W, Marshall Co.);

Wolf Creek, north county line to north county line (S2, T85N, R17W, Marshall Co.) (entire length in county);

MITCHELL COUNTY

Burr Oak Creek, mouth (S12, T98N, R16W, Mitchell Co.) to west line S10, T98N, R16W, Mitchell Co.);

Cedar River, south county line to north county line;

Deer Creek, mouth (S23, T99N, R18W, Mitchell Co.) to west county line;

Little Cedar River, south county line to north county line;

Rock Creek, south county line (S14, T97N, R17W, Mitchell Co.) to confluence with Goose Creek (S36, T98N, R18W, Mitchell Co.);

Wapsipinicon River, east county line to town of Mc Intire;

MONONA COUNTY

Maple River, south line S34, T85N, R43W, Monona Co.) to north county line;

MONROE COUNTY

Des Moines River, east county line to north county line (entire length in county);

MUSCATINE COUNTY

Cedar River, south county line to north county line;

Pine Creek, mouth (S21, T77N, R1E, Muscatine Co.) to confluence with unnamed creek (S26, T78N, R1W, Muscatine Co.);

Sugar Creek, mouth (S17, T78N, R2W, Muscatine Co.) to north county line;

Wapsinonoc Creek, mouth (S19, T77N, R3W, Muscatine Co.) to confluence with West Branch

Wapsinonoc Creek (S24, T78N, R4W, Muscatine Co.);

West Branch Wapsinonoc Creek, mouth (S24, T78N, R4W, Muscatine Co.) to north county line;

O'BRIEN COUNTY

Little Sioux River, south county line to east county line;

Mill Creek, south county line to confluence with unnamed creek (S9, T95N, R41W, O'Brien Co.);

PALO ALTO COUNTY

Des Moines River, south line S23, T96N, R33W, Palo Alto Co. to north county line;

PLYMOUTH COUNTY

Big Sioux River, south county line to north county line;

POLK COUNTY

Big Creek, upper extent of Big Creek Lake (S9, T81N, R25W, Polk Co.) to north county line;

Des Moines River, east county line to west county line (entire length in county);

Raccoon River, mouth (S10, T78N, R24W, Polk Co.) to west county line;

RINGGOLD COUNTY

Thompson River, east county line to north county line;

SAC COUNTY

Boyer River, south county line to confluence with unnamed creek (S6, T89N, R37W, Sac Co.);

Indian Creek, mouth (S24, T87N, R36W, Sac Co.) to north line S20, T87N, R36W, Sac Co.);

North Raccoon River, east county line to north county line;

SCOTT COUNTY

Lost Creek, mouth (S15, T80N, R5E, Scott Co.) to confluence with unnamed creek (NW 1/4, S7, T79N, R5E, Scott Co.);

Rock Creek, north county line to confluence with unnamed creek (S4, T80N, R1E, Scott Co.);

Wapsipinicon River, mouth (S13, T80N, R5E, Scott Co.) to north county line (NE 1/4, S1, T80N, R1E, Scott Co.) (entire length in county);

SIOUX COUNTY

Big Sioux River, south county line to north county line;

Rock River, mouth (S1, T95N, R48W, Sioux Co.) to north county line;

STORY COUNTY

South Skunk River, confluence with Squaw Creek (S12, T83N, R24W, Story Co.) to north county line;

TAMA COUNTY

Iowa River, east county line to west county line;

Raven Creek, mouth (S25, T83N, R16W, Tama Co.) to confluence with unnamed creek (S6, T82N, R16W, Tama Co.);

Salt Creek, east county line to confluence with South Branch Salt Creek (S29, T84N, R13W, Tama Co.);

UNION COUNTY

Thompson River, south county line to north county line;

Twelve Mile Creek, mouth (S36, T71N, R28W, Union Co.) to Twelve Mile Lake Dam (S12, T72N, R30W, Union Co.);

VAN BUREN COUNTY

Des Moines River, south county line to west county line (entire length in county);

WAPELLO COUNTY

Des Moines River, south county line to west county line (entire length in county);

South Avery Creek, mouth (S31, T73N, R14W, Wapello Co.) to west county line;

WARREN COUNTY

Des Moines River, east county line to north county line (entire length in county);

Middle River, confluence with Clanton Creek (S28, T76N, R25W, Warren Co.) to west county line;

White Breast Creek, east county line to south county line;

WASHINGTON COUNTY

Crooked Creek, south county line to confluence with East and West Fork Crooked Creeks (S24, T74N, R7W, Washington Co.);

East Fork Crooked Creek, mouth (S24, T74N, R7W, Washington Co.) to south county line (crossing in center of south section line, S36, T74N, R6W, Washington Co.) (entire length in county);

English River, mouth (S11, T77N, R6W, Washington Co.) to confluence with South English River (S6, T77N, R9W, Washington Co.);

Iowa River, east county line (east line, S36, T77N, R6W, Washington Co.) to north county line (north line, S2, T77N, R6W, Washington Co.) (entire length in county);

Long Creek, east county line to confluence with South Fork Long Creek (S26, T75N, R6W, Washington Co.);

Skunk River, south county line (SE 1/4, S36, T74N, R8W, Washington Co.) to west county line (SW 1/4, S6, T74N, R9W, Washington Co.);

South English River, mouth (S6, T77N, R9W, Washington Co.) to west county line;

WEBSTER COUNTY

Boone River, mouth (S36, T87N, R27W, Webster Co.) to east county line;

Brushy Creek, west line (S16, T88N, R27W, Webster Co.) to confluence with unnamed creek (S8, T88N, R27W, Webster Co.);

Brushy Creek, mouth (S15, T87N, R27W, Webster Co.) to south line S34, T88N, R27W, Webster Co.;

Deer Creek, mouth (S24, T90N, R29W, Webster Co.) to north line S16, T90N, R29W, Webster Co.;

Des Moines River, south county line to north county line (entire length in county);

Lizard Creek, mouth (S19, T89N, R28W, Webster Co.) to confluence with D.D. #3 (S35, T90N, R30W, Webster Co.);

South Branch Lizard Creek, mouth (S23, T89N, R29W, Webster Co.) to west line S32, T89N, R29W, Webster Co.;

WINNEBAGO COUNTY

Winnebago River, south county line to north county line;

WINNESHIEK COUNTY

Canoe Creek, mouth (S25, T99N, R7W, Winneshiek Co.) to county road W38 (SE 1/4, S23, T99N, R8W, Winneshiek Co.);

Paint Creek (a.k.a. Pine Creek) east county line to confluence with unnamed creek (SE 1/4, S11, T99N, R7W, Winneshiek Co.);

Unnamed Creek, mouth (SE 1/4, S11, T99N, R7W, Winneshiek Co.) to North line S12, T99N, R7W, Winneshiek Co.;

WOODBURY COUNTY

Little Sioux River, confluence with Parnell Creek (S25, T86N, R44W, Woodbury Co.) to east county line;

Maple River, south county line to east county line;

WORTH COUNTY

Deer Creek, east county line to confluence unnamed creek (East line, S27, T100N, R19W, Worth Co.);

Elk Creek, mouth (S27, T99N, R20W, Worth Co.) to Highway 105 (S5, T99N, R22W, Worth Co.);

Shell Rock River, south county line to north county line;

Winans Creek, mouth (S36, T98N, R22W, Worth Co.) to N/S road crossing (S 1/2, S25, T98N, R22W, Worth Co.);

Winnebago River, south county line (S32, T98N, R21W, Worth Co.) to south county line (S34, T98N, R22W, Worth Co.) (entire length in county);

WRIGHT COUNTY

Boone River, south county line to confluence with Middle Branch Boone River (S2, T93N, R26W, Wright Co.);

Eagle Creek, south county line to confluence with Drainage Ditch No. 9 (S30, T91N, R25W, Wright Co.);

East Fork Iowa River, mouth (S19, T93N, R23W, Wright Co.) to north county line;

Iowa River, east county line (S13, T90N, R23W, Wright Co.) to confluence with East and West Fork

Iowa Rivers (S19, T93N, R23W, Wright Co.);

West Fork Iowa River, mouth (S19, T93N, R23W, Wright Co.) to north county line;

White Fox Creek, south county line to confluence with unnamed creek (E 1/2, SE 1/4, S36, T91N, R25W, Wright Co.);

Mr. Stokes explained the rules noting that great care was taken to make sure there would be no adverse impact on drainage districts.

William Ehm asked if these rules are supported by the Environmental Protection Division since they did not originate directly with the EPD staff.

Mr. Stokes stated that EPD is fully supportive of the proposed rules.

Discussion followed regarding why certain streams are listed; what criteria was used in determining which streams should be protected; and property and water rights of the landowner.

Charlotte Mohr asked why Mud Creek was not listed.

Allen Farris, Division Administrator, Fish and Wildlife Division, responded that it probably did not meet the criteria. He added that that segment could be added when it goes out to public hearing.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 72, Floodplain Development, Protected Streams. Seconded by Gary Priebe.

Clark Yeager asked if the hearings are scheduled according to the areas that are affected by the rule.

Mr. Farris stated that there are no hearings scheduled for Southwest Iowa because there are no streams proposed for protection in that area.

Clark Yeager asked if a map of the affected stream segments could go out with the notice of public hearing.

Mr. Stokes stated that a map will be sent with the news release to the media.

Vote on Commissioner Ehm's motion to approve carried unanimously.

APPROVED AS PRESENTED

SPECIAL WASTE AUTHORIZATION RULES - ECONOMIC IMPACT STATEMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At the May 11, 1993 meeting the Administrative Rules Review Committee Requested that an Economic Impact Statement be prepared regarding the proposed Special Waste Authorization (SWA) Rules. The Economic Impact Statement shows that the proposed rules would result in higher cost on an annual basis. The Commission is requested to approve the Economic Impact Statement so that it can be sent for printing in the Administrative Bulletin. The proposed rules

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may not be adopted in final form until 15 days after the economic statement has been published in the Iowa Administrative Bulletin.

Attached to the Economic Impact Statement, for the Commission's information, is a summary of comments received at public hearing held on this proposed rule on May 5, 1993 and the proposed staff response to those comments received.

The commission's attention is directed specifically to comment No. 13 of the Responsiveness Summary. If the department does not administer the SWA program, it may not be appropriate to dictate to the landfills how to implement their waste disposal program. The commission may want to consider eliminating a state prescribed special waste authorization program entirely and amending rules accordingly. If the Commission chose this course of action, it would require withdrawal of the rules as proposed and initiating a new rule making process to delete special waste authorizations from state rules.

ENVIRONMENTAL PROTECTION COMMISSION (567)

ECONOMIC IMPACT STATEMENT

The Iowa Department of Natural Resources (DNR) gives notice pursuant to Iowa Code section 17A.4 of issuance of an economic impact statement relative to amendments to Chapter 100, "Scope of Title - Definitions - Forms - Rules of Practice", and Chapter 162, "Permits". The amended rules were published under Notice of Intended Action in the April 4, 1993 Administrative Bulletin. This statement has been prepared in response to a formal request by the Administrative Rules Review Committee at its May 11, 1993 meeting.

The amount of time required for the review, processing, issuance, filing and record keeping for any SWA should not be appreciably different, whether those tasks are done by landfill personnel or state employees. There were 1016 SWAs issued during the most recent three year period. SWAs are issued for a three year period, thus an average of 340 SWAs per year were issued for each of those three years.

DATA FOR MOST RECENT 3 YR. PERIOD

VOLUME & COST		SWA DISTRIBUTION AMONG LANDFILLS	
SWAs issued	1016	82 L.F. have	1016 SWAs
Annual Ave.	339	41 L.F. have	109 SWAs
Ave. Hrs./SWA	6.1	11 L.F. have	512 SWAs
Ave. Cost/SWA	\$147		
Tot. Ann. Cost	\$50,000		

ESTIMATED FUTURE COST FOR LANDFILLS

E93Jul-88

Routine Processing (same as DNR cost)	\$50,000
Additional Record Keeping	\$10,000
Consultant Review of Complex SWAs	\$25,000
Total Annual Cost	\$85,000

Ave. Cost/SWA \$251

The only applications that might require technical knowledge beyond that available among landfill staff would be new applications involving complex or uncommon chemicals. That number should not exceed 40 per year and the majority of those are likely to occur at large landfills where trained staff exists. Therefore, the number of applications that would require the services of an outside consultant is anticipated to be minor. Some additional record keeping is required of the landfills. The greatest objection in the hearing record related to recording the exact location of placement of SWA wastes. This requirement has been removed, thus the amount of additional record keeping is minimal.

Special Waste Authorization

Proposed Rules Public Hearing

Responsiveness Summary

A public hearing was held on the proposed Special Waste Authorization rules, chapter 567-102.15(2), on May 5, 1993 at 1:00 p.m. in the auditorium of the Wallace State Office Building. Twenty nine persons attended the hearing with eleven giving oral comments. Written comments were received for twenty four persons. A summary of the comments, a discussion, and a recommendation for each comment item follow:

1. Comment: Current administrative code, 102.15(2) requires that generators of industrial sludge and toxic and hazardous waste must file, without charge, a special waste authorization (SWA) request with the department for approval prior to disposal of such waste in a landfill. Presumably the original intent of this rule was to ensure the proper disposal of this material. The department is now proposing to alter the definition of the type of waste which requires a (SWA) and to shift responsibility for issuance to the landfill operators. The department asserts that the criteria for disposal of these wastes are so clearly defined in the propose rule that this shift is appropriate. The proposed rules lack specificity and offer very little technical direction.

Commentors: League of Iowa Municipalities (League), Iowa State Association of Counties (Association)

Discussion: It is correct that the current rules 102.15(2) require a SWA for disposal of "industrial sludge and toxic and hazardous waste". That definition was established prior to the beginning of the EPA Resource Conservation and Recovery Act (RCRA) which prohibited the disposal of hazardous waste in sanitary landfills and required hazardous waste to be disposed of in a RCRA approved disposal facility. Prior to RCRA it was permissible to put hazardous waste in a sanitary landfill but a SWA was required and it had to be handled in special way at the landfill. With the advent of RCRA the SWA program continued with the application to other waste which are not well defined in the existing rule. The proposed rule published February 1992 and terminated was an attempt to put into rule the SWA program that was being administered at that time. One of the major differences in the rule published 4/14/93 in that the rule be implemented by the landfill operator instead of the department.

Recommendation: No change.

2. Comment: The existing SWA program has provided uniformity and continuity in this very important environmental protection effort. The department is proposing to shift the issuing of SWAs to the landfill operators. Although landfill operators are required to be certified, they are not trained, nor do they have trained staff, to interpret complex analytical chemical testing. Consequently, landfills operators will have to hire or contract the expertise to regulate this rule if approved. The proposed regulation significantly adds to the enormous burden that numerous regulations of the Environmental Protection Commission imposes upon local solid waste management authorities in Iowa. This can only result in additional cost to the local governmental authorities, and ultimately to the general public, who are already increasingly concerned over the skyrocketing cost of complying with solid waste disposal regulations. The landfills already pay for the SWA reviews through the \$4.25 tonnage fee paid at the landfill which amounts to over \$6,000,000 per year. It would seem that the SWA program would be an appropriate expenditure for these funds. It is recommended that the proposed rule be revised to delete all provisions that transfer the responsibility of issuing SWAs to landfill operators and restore the provisions that provide for the department to consider and issue SWAs.

Commentors: League; Association; Nishna Sanitary Services, Inc. (Nishna); Winneshiek Co.; Floyd-Mitchell Solid Waste Management Agency; Black Hawk County Solid Waste Management Commission (Black Hawk Co.); Iowa Dental Association; Woodward State Hospital-School; Clinton County Area Solid Waste Agency (Clinton Co.); Hardin County Solid Waste Disposal Commission (Hardin Co.); Deere & Company; Ottumwa-Wapello County Solid Waste Commission (Ottumwa-Wapello); Marshall County Solid Waste Management Commission (Marshall Co.); American Coals Corporation

Discussion: RCRA regulations effectively prohibit the disposal of hazardous wastes at a landfill. The review of most SWAs does not require interpretation of complex data. The SWA application primarily provides the landfill with information regarding the type and quantity of industrial waste which they can expect to receive at the landfill. This information allows the operator to specify any handling or delivery conditions that are appropriate for the safe and efficient disposal of the waste. These decisions can and should be made by the landfill operator, not the state. The funds received from tonnage fees are established by statute and the statute prescribes how the funds are to be used as follows:

\$0.20/ton to UNI for the Iowa Waste Reduction Center
 .30/ton for admin. and enforce of groundwater
 monitoring, developing
 guidelines for groundwater
 monitoring at landfills, for
 the Waste Management
 Assistance Division, and \$8000
 for the Dept. of Health.

1 .00/ton for developing/implementing demo projects for
 alternatives to solid waste disposal.

.50/ton retained by the solid waste agency for comp
 plan development and other requirements.

.75/ton for landfill alternative demo projects.

.30/ton for admin. and enforcement of groundwater
 monitoring at landfills.

.45/ton retained by solid waste agency for volume
 reduction and recycling.

.10/ton for grants to regional coordinating councils.

.15/ton for DNR to establish 3 household hazardous
 waste collection centers.

.05/ton for transportation of household hazardous
 waste from collection centers.

.125/ton to DNR for toxic clean-up days around state.

.275/ton to DNR for loans to businesses for
 remanufacturing or source
 reduction.

.05/ton to the Dept. of Economic Development for
 marketing of recycling equipment or products.

The amount received will go down as tonnages decrease. The
 department has a lid on the number of employees it may have
 on the payroll. These factors have resulted in fewer
 positions assigned to the solid waste program. Since
 permits are mandated by statute and SWAs are not, the only
 two practical alternatives were to a) discontinue the SWA
 program, or b) have the landfills continue the program.

Recommendation: No Change

3. Comment: The department's authority to shift the responsibility for
 issuing SWAs from DNR to the landfill operator under Iowa
 Code 455B.303 as cited is questioned. The cited code
 states that the director has the authority to shift that
 responsibility to the local boards of health. It does not
 say landfill operator and the authority to shift that
 responsibility to the landfill operator is questioned.
 Variances were given by DNR prior to notification of the
 solid waste planning areas that variances were going to be
 issued. It is strongly suggested that a dialog be opened
 between the department and solid waste officials in the

state. The solid waste officials are sensitive to the funding challenges that the department has at this time and a dialog could have maybe resolved what is happening today. Possibly this can be resolved, kept at the state level and funding found if the dialog is open and communication begins.

Commentor: Ottumwa-Wapello, Amy Christensen Couch

Discussion: The reference to the departments authority to delegate regulatory responsibility to local health departments but not landfills is not pertinent. Authority that may be delegated to local health departments are primarily regulatory functions required by statute, such as permit issuance, standards adoption and enforcement. SWAs are not mandated by statute and do not provide or require any regulatory function by the landfills which they do not already posses. Landfills have always been the final authority regarding what they accept in their facility unless the waste is specifically prohibited by rule or statute, i.e. yard waste, liquids, tires, etc. The department has been aware that tonnage fees, oil overcharge funds and several federal funding sources were going to be decreased or eliminated with the inevitable result that several programs would have to be cut back or eliminated unless other resources were forthcoming. To provide a viable option to such reductions, the department proposed legislation which would have created an environmental protection fund by charging fees for permits issued by the department. That proposal was discussed with numerous affected groups, including landfill permit holders, to explain the purpose and affect of the legislation. The legislation was not enacted.

Recommendation: No Change

4. Comment: The proposed rule, 102.15(2)d, requires that semiannual reports be produced by operators summarizing in great detail the disposal of specially authorized waste. The report is to be submitted to the main office and the appropriate field office. If the department can handle review of the reports from 70 landfills, can it not also handle issuing the authorizations? If DNR does not have resources to review SWAs, it should not require that county SWA paperwork be sent to the DNR regional office or the central office.

Commentors: League, Deere & Company

Discussion: It is agreed that the reports should not have to be submitted to the central office or the field office. However, landfills should still keep records of special waste received but only be required to keep the records at the landfill and available for review.

Recommendation: Revise 102.15(2)d as follows: d. The sanitary landfill ~~operator~~ permit holder shall maintain any analytical test data submitted from a waste

generator, completed Request for Special Waste Authorization forms, and original issued special waste authorizations including any special handling instructions. These records shall be maintained in the landfill office. ~~The appropriate department of natural resources field office shall receive a copy of any special waste authorizations issued by a sanitary landfill operator. The copy shall include the appropriate instructions for disposal as well as a copy of the original special waste authorization. Semiannual reports summarizing the disposal for the reporting period shall be submitted for all specially authorized wastes received. The reporting period shall be January 1 through June 30 and July 1 through December 31 each year. The reports shall include landfill permit holder shall also maintain on file at the landfill office starting within seven months from the effective date of these rules, and semiannually thereafter, a report summarizing identification of the wastes and volumes authorized, the waste generator, the period of disposal, copies of disposal records, the date of disposal, and the horizontal and vertical location of all special wastes disposed of at the site. The locations shall be tied to permanent site benchmarks and monuments. Petroleum-contaminated soil quarterly testing results, shall be submitted with semiannual special waste reports, and if an authorized waste is not received, a statement to that effect shall be submitted with semiannual special waste reports. Copies of this report shall be sent to both the main office and appropriate field office of the department.~~

5. Comment:

The definition of "Industrial process waste" is still too broad. Read literally, it could require industrial generators to subject every element of their waste stream to TCLP analysis and the paint filter test. Many nonhazardous wastes which result directly from producing goods and commodities are no different from household refuse and should not be encumbered and restricted by these rules. The biggest category of such waste is packaging which should not require expensive testing prior to disposal in a landfill. This is a potentially expensive proposition as well as unnecessary. The definition of "industrial process waste" in proposed rule 100.2 and all provisions of the proposed rule pertaining to "industrial process waste," including proposed rule 102.15(2)f.(9) should be deleted.

Commentors: Nishna, Deere & Company

Discussion: One of the purposes of the SWA program is to provide a system for industry and landfills to show that waste is not hazardous. It is not intended that "industrial process waste" include all waste generated by an industry. Only waste resulting from a manufacturing process that will require special handling at the landfill will require a SWA. If "industrial process waste" is deleted from the SWA requirement it would seem to be even more unclear as to what waste would require an SWA except, infectious waste. The proposed rule is actually a reflection of the SWA program that has been administered by the department for the past several years until February of 1993. The purpose of rule 102.15(2)f.(9) is to give examples of types of waste that require SWAs. If rule 102.15(2)f.(9), the definition of "industrial process waste", and all reference to "industrial process waste" are deleted, the proposed rule making should be terminated and rules regarding the handling and disposal of infectious waste proposed.

Recommendation: No Change.

6. **Comment:** The agency is strongly opposed to the intention to delegate the handling of SWAs to the local sanitary landfill owners/operators. However, if the local landfill owners/operators are indeed delegated this new responsibility, it is requested that the IDNR reduce the assessed solid waste tonnage fee by \$0.25 per ton. This fee reduction would allow local authorities a means to finance this new delegated cost of business.

Commentor: Dubuque Metropolitan Area Solid Waste Agency

Discussion: Only the legislature has the authority to establish or revise the tonnage fees. Each landfill has the option to increase tipping fees to cover cost of issuing SWAs

Recommendation: No Change.

7. **Comment:** If the duty of issuing SWAs is shifted to the local landfill operators, there is a potential problem if the SWA is denied. Under the current system, denial of an SWA is state agency action which can be appealed pursuant to Iowa Code Chapter 17A rights. If the denial is by a local landfill operator, it is unclear and doubtful whether there would be any right to appeal that action. The language of the proposed rules should provide a method of appeal to the department in the event an SWA is denied.

Commentor: Amy Christian Couch, Mercy Hospital Medical Center of Des Moines (Mercy Hospital)

Discussion: As discussed previously, landfills have always had the final say on what can or cannot be taken to the landfill. SWAs have never been demanding on landfills and a landfill could always refuse to take special waste. Thus, no additional power is being conveyed. The department does not have the authority to grant, deny, or amend any appeal mechanisms that may apply at the local level.

Recommendation: No change.

8. Comment: It is unclear what level of PCB contamination is meant by the language in proposed rule 102.15(2)(f). Is a concentration of 50 ppm or over prohibited from disposal or is a concentration of 2 ppm or over prohibited from disposal? The proposed reference in 102.15(2)(f)(10) "PCB contaminated wastes" to "federal maximum contamination levels" is vague and may easily be misinterpreted by landfill operators across the state. EPA already regulated PCBs under the Toxic Substances Control Act, and defines "PCB Waste" in 40 CFR 761.3, referring to Subpart D--Storage and Disposal. Specifically, 761.60(a) (4) and (d) Spill, and 761.65 Storage for disposal, apply to "PCBs at concentrations of 50 ppm or greater. DNR is urged to revise 102.15(2)(f)(10) definition of "PCB-contaminated wastes" to read:

"(10) PCB-contaminated wastes. Analytical testing requirements include PCB content. Wastes having ~~levels of PCB contamination above the federal maximum contamination levels~~ PCBs at concentrations of 50 ppm or greater shall not be authorized for disposal.

Commentor: Amy Christensen Couch, Iowa-Illinois Gas and Electric Company, Midwest Power

Discussion: The commentors are correct. The specific limit level should be stated.

Recommendation: Revise 102.15(2)(f)(10) as follows: (10) PCB-contaminated wastes. Analytical testing requirements include PCB content. Wastes having levels of PCB contamination ~~above the federal maximum contamination levels~~ of 50 ppm or greater shall not be authorized for disposal.

9. Comment: The requirement to obtain the horizontal and vertical location of all special wastes disposed at the landfill is an expensive process. The advantage of having this information is unclear. If a problem were identified and the source of the problem was from a certain waste but

there were many deposits of that waste, even with the vertical and horizontal locations, one would not know which deposit was causing the problem. Since this requirement seems to be of little value, it is requested that this requirement be deleted.

Commentor: Clinton Co., Marshall Co.

Discussion: It was not intended that the disposal location of special waste be determined by a surveyor. It was assumed that the lift elevation would be known and the general horizontal location in the lift would be known. But, it is understood that in order to have any value, which may be questionable, the location would have to be much more precise than intended.

Recommendation: Delete the requirement for recording and reporting the horizontal and vertical location of disposed special waste. See recommendation for comment No. 4.

10. Comment: How should sanitary napkin disposal be handled? A clarification is requested as to if used sanitary napkins are to be included in the definition of infectious waste, and whether businesses disposing of these items would be required to obtain an SWA.

Commentor: Amy Christensen Couch

Discussion: Common sense has to be used. It is not intended that disposal of sanitary napkins require an SWA. Any waste that a landfill determines should be handled in a special way, the landfill has the authority to require that it be handled in a special way.

Recommendation: No change.

11. Comment: Proposed rule 102.15(2) allows medical waste to be commingled with municipal solid waste. This presents an unnecessary occupational hazard to the trash collectors, landfill personnel, and the public. It is doubtful that small quantity generators will have equipment available to properly treat infectious waste. Even if sharps are placed in a rigid container, that container may not maintain its integrity after it is dumped into and out of a dumpster. If bags containing infectious waste are broken and the disinfection process does not change the character of the waste, the waste hauler or landfill operator will not know if the waste has been treated. Also, disinfected medical waste placed with municipal trash may arrive at sorting facilities and recycling facilities. Employees at these

facilities should not have to be exposed to this waste. Disposal of medical waste, even if treated, should continue to require a SWA and be handled separately from regular waste so that it can all be observed.

Commentors: Black Hawk Co., Iowa Waste Reduction Center, Hardin Co., Marian County Sanitary Landfill, Iowa Medical Waste Reduction Center, Inc.

Discussion: Once infectious waste is treated to where it is no longer infectious, the waste could be considered to no longer be an infectious waste. It would be difficult to determine if sharps are treated if they are in a rigid and the container breaks open. But, if sharps are shredded or blunted they would be much less hazardous and would be obvious that some treatment has been provided.

Recommendation: Revise 102.15(2) as follows:except that special waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain any free liquids, and sharps are ~~contained in a rigid container or are shredded, or blunted, granulated, incinerated or mechanically destroyed.~~

12. Comment: Constraints to the DNR due to the current state budget problems are recognized, all levels of government are facing similar problems. The proposed changes do little to solve the problem. Not only are the problems shifted to the local level but the costs will be increased. If the department can not provide the staff, perhaps the department could maintain control of the program but have the work done by an outside contractor. If funding is a problem, a fee could be charged for handling the SWA application.

Commentor: Black Hawk Co.

Discussion: Funding and staffing is a problem in order for the department to continue the program. Hiring a contractor could be an option, however, it is questionable whether fees could be charged for SWAs since they are not required by statute. It would take a minimum of 6 months to establish rules for charging the fees and an additional year to generate adequate funds. Even if fees could be charged for SWAs, the fees would go into the general fund and could not be used to issue SWAs. It is very doubtful that the DNR could hire a contractor to manage the total program including issuing the SWAs. The contractor would

probably only review applications and make a recommendation to DNR. DNR would still have to issue the SWA.

Recommendation: No Change.

13. Comment: If it is determined that the program is to be turned over to the landfills, consider removing DNR completely from the process. DNR should either continue to review SWAs for the counties or it should drop all state special waste rules.

Commentor: Black Hawk Co., Deere & Company

Discussion: This is a plausible alternative that may warrant further consideration. The general feeling appears to be that landfills benefit from having requirements spelled out by the state.

Recommendation: No Change.

14. Comment: Definitions for "infectious waste" should be consistent with the definitions of 455B.501 and should not include "other medical waste". Many of these "other medical wastes" such as waste from dental offices do not meet the standard of infectious waste. The definition of "other medical wastes" should be removed completely. These changes will help maintain consistency with 455B.501 and encourage hospitals to continue recycling some of these "other medical waste" which are not infectious. Or, these items which are not pathological should be authorized by administrative rule to be commingled with regular municipal solid waste without any special handling or treatment. Including "other medical waste" as "infectious waste" would considerably raise the cost of handling infectious waste. The proposed rule would increase the amount of waste considered infections with no scientific/epidemiological rational and would increase significantly the cost of waste disposal.

Commentor: Iowa Waste Reduction Center, Mercy Hospital, Iowa Dental Association, Woodward State Hospital-School, Iowa Lutheran Hospital

Discussion: Agree.

Recommendation: Revise 100.2 as follows: ~~"Other medical waste" means all discarded bandages, gauze, dressings, rubber gloves, swabs, and similar items derived from patients~~

~~care in medical, research, and industrial facilities.~~

15. Comment: The new parameters, butyl alcohol, isobutanol, and Ethyl acetate may not be able to be tested using the mass spectrography (MS) method specified in SW-846. Due to matrix interference, these parameters may need to be tested using an alternate gas chromatography (GC) method. Several laboratories have expressed a concern of matrix interference. In order to assure accurate test results, an alternate GC method must be specified or these parameters deleted.

Commentor: Iowa Waste Reduction Center, University Hygienic Laboratory

Discussion: These parameters should be deleted. See discussion for comment No. 29.

Recommendation: See recommendation for comment No. 29.

16. Comment: The proposed definition of "Cultures and stocks of infectious agents", rule 100.2, includes "Intravenous tubing". In turn, "Cultures and stocks of infectious agents", is listed in the definition of "Infectious waste". Since most intravenous tubing will have contained sterile solutions, inclusion of this term in the definition of "Cultures and stocks of infectious agents" is not appropriate. It is recommended that "intravenous tubing" be deleted from the definition of "Cultures and stocks of infectious agents" and inserted in the definition of "Other Medical Waste".

Commentor: Mercy Hospital, Iowa Lutheran Hospital

Discussion: It is agreed that "intravenous tubing" for the most part would not be infectious and should not be included in the definition.

Recommendation: Revise 100.2 as follows: "Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, ~~intravenous tubing~~, cultures and stocks of infectious agents

17. Comment: Proposed subrule 102.15(2) allows for infectious waste which is generated and treated at a medical clinic or similar facility to be commingled with regular solid waste and not handled in a special way, so long as certain procedures are followed. The proposed rule appears to be more restrictive than need be, in that

the language of the rule suggests that such infectious waste must be both generated and treated at the medical facility. It is doubtful that a doctor's office or dentist's office will have the equipment necessary to treat all such waste on-site. It is suggested that this subrule be modified to allow for infectious waste to be treated at a different facility than where the waste is generated.

Commentor: Mercy Hospital

Discussion: There would be no advantage to treating an infectious waste from a "clinic or similar facility" at another site unless it were receiving wastes from multiple facilities, in which case a sanitary disposal permit would be required as well as an SWA for taking the treated waste to a landfill.

Recommendation: No Change.

18. Comment: Proposed subrule 102.15(2) indicates that the generator of infectious waste that is not handled under a SWA must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste. The question is whether such required notice is required on a "per haul" basis or is a one time notice adequate so long as the same hauler and landfill are used. It is urged that only a one time notice to a particular hauler and landfill be required. If a more frequent notice is appropriate, require an annual written notice.

Commentor: Mercy Hospital

Discussion: On a one time basis is intended. A landfill permit holder has the authority to require more frequent notification.

Recommendation: No change.

19. Comment: Paragraph "f", item 6, of subrule 102.15(2) indicates that sharps must be sterilized and disposed of in a rigid container. Subrule 102.15(2) also requires that sharps be disposed of in a rigid container or be "shredded or blunted". Sharps may also be incinerated to effectively render them nonpathological. It is recommended that item (6) be expanded to accommodate disposal of sharps through incineration and other acceptable means as follows: "Must be sterilized and disposed of in a rigid container, or incinerated,

mechanically-destroyed, granulated, shredded or otherwise treated to sufficiently render the sharps as non-usable and to eliminate the hazard of cuts or punctures occurring to personnel handling such waste. No analytical testing required.

Commentor: Mercy Hospital

Discussion: Agree. Revise the proposed rule accordingly.

Recommendation: Revise 102.15(2)f(6 as follows: (6) Sharps. Must be disposed of in a rigid container, or incinerated, mechanically destroyed, granulated, shredded, or otherwise treated to sufficiently render the sharps as non-useable and to eliminate the hazard of cuts or punctures.

20. Comment: The proposed SWA rules allows everyone to benefit by working together with the small medical waste generators to reduce the amount of waste and rendering it physically safe to handle. This helps the health care providers of Iowa to reduce costly hauling fees. Most commonly used sharps containers will burst during compaction. The treated but still sharp syringes will possibly create a physical hazard at the landfill for the waste hauling and landfill personnel. The rules should require sharps to be treated and destroyed to the point of being safe to handle. Over all, we believe the rule to be very concise. Another enhancement would be to require the facility (generator) providing treatment on-site to keep proper records of treatment to confirm the proper application of treatment technology to the waste materials. If the new proposal is adopted, it would save medical offices a significant amount of time and money.

Commentor: Ecomed, Hawkeye Medical Supply, Inc., Pleasant Hill Family Practice P.C.,

Discussion: Sharps placed in a ridged container and then placed with household refuse for pickup is not a good practice. Treatment of the sharps to where they would be safe to handle would appear to be acceptable. Local solid waste agencies can adopt more stringent requirements. Completion of treatment records for ones own protection ia a good practice even if it is not required.

Recommendation: See recommendation for comment No. 11.

21. Comment: The responsibility of issuing the SWAs by the "landfill

operator" does not protect the agency issued the landfill permit. It is requested that if the responsibility for issuing SWAs is shifted from the department, that it be required that the "landfill permit holder" be responsible for issuing the SWA.

Commentor: Clinton Co.

Discussion: Agree. The permit holder has the ultimate responsibility for what goes into the landfill. The agency can delegate whom ever it wishes to issue the SWAs.

Recommendation: Revise 103.2 as follows: Special waste disposal instructions. Requests for special waste authorizations instructions for the disposal of special wastes, as required by 567-subrule 201.15(2) shall be submitted to the sanitary landfill operator permit holder by the generator of the waste. a. Requests shall be made by submitting information substantially complying with Form 46 (542-3216), "Request for Special Waste Authorization," accompanied by supporting data as deemed necessary by the sanitary landfill operator permit holder. I case of emergency, instructions may be obtained by telephone by calling the sanitary landfill operator permit holder.

Revise 102.15(2) as follows: Special waste. No special waste shall be delivered to not disposed of by a sanitary landfill unless explicit instructions are first obtained from the sanitary landfill operator permit holder by the generator of the special waste. b. Prior to the issuance of any such instruction, the sanitary landfill operator permit holder may require analytical testing supporting the characterization of the waste as nonhazardous. d. The sanitary landfill operator permit holder shall maintain any analytical test data submitted from a waste generator,

22. Comment: The inclusion of "infectious waste" in the definition of "special waste" places responsibility for proper disposal with the permit holder. The landfill permit holder is not trained nor do they have the equipment available at the landfill to determine if the material has been rendered non-pathological. It is requested that all medical wastes not be allowed to be disposed of in a sanitary landfill.

Commentor: Clinton Co.

Discussion: Treated infectious waste has to be disposed of some place. A sanitary landfill is a logical place and is done routinely around the country. Including it in the definition of "special waste" means that an SWA is required and that it must be handled in a special way at the landfill. The landfill operator should know

when the medical waste is delivered and be able to control the delivery conditions through an SWA.

Recommendation: No change.

23. Comment:

There is a concern that transferring the responsibility for issuing SWAs from the DNR to the landfill operator will result in varying degrees of waste stream testing across Iowa. Clarifying language should be added under proposed 102.15(2)(b) to explicitly allow for other suitable means besides safety data sheets, for the generator to certify that their waste does not contain constituents usually tested by the TCLP. The following change is proposed:

"...The TC testing requirements may be altered if the sanitary landfill operator believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets, or other similar documentation from the generator, may be used as supporting evidence if the waste constituents are clearly listed. The sanitary landfill operator may refuse any Material Safety Data Sheet, or other similar documentation, which is not properly and sufficiently prepared.

Commentor: Iowa-Illinois Gas and Electric Co.

Discussion: The language proposed may add some flexibility but would have the net affect of increasing, not decreasing, the varying degree of waste stream testing.

Recommendation: No Change.

24. Comment:

In paragraph 102.15(2)f(12) it is assumed that the 10 ppm level is based on an analysis that gives total concentrations of pesticides in a waste. It is recommended that this special waste be analyzed in a similar manner as the TCLP wastes. It is understood that the 10 ppm level was arbitrarily set based on some work done by the DNR on one particular waste disposal incident. To use the TCLP procedure would make this section (though still arbitrary) more consistent with the work done in the RCRA Toxicity Characteristic definitions. The following proposed revision would obviously allow higher total levels in a waste stream, but would factor in the leaching characteristics of the pesticides:

"Pesticide contaminated wastes containing less than 10 pm total pesticides as determined on an

extract of the waste prepared in accordance with the TCLP.

Commentor: Monsanto

Discussion: Agree.

Recommendation: Revise 102.15(2)f(12) as follows: Pesticide contaminated wastes containing less than 10ppm total pesticides as determined on an extract of the waste prepared in accordance with the TCLP.

25. Comment: As currently proposed, Rule 100.2 is to be amended to define "toxic and hazardous wastes" in relationship to their "physical, toxicological, or chemical properties." In addition, the proposal states: "All wastes which are subject to regulation as 'hazardous waste' under the RCA are 'toxic and hazardous.'" It is not clear from this whether the Department intends to adopt the exemptions to the definition of hazardous waste contained in 40 CFR 261.4. These exemptions should be included in the regulatory scheme. Tanning waste is exempt under 40 CFR 261.4. Numerous other kinds of waste are also exempt under 261.4. These waste were determined by EPA to be entitled to exemption after extensive consideration. Unless the intent is clear to include the 40 CFR 261 exemptions, all wastes, including general household waste, will be required to be subjected to regulatory review. Household waste, leather tanning waste, and other 261.4 exempt wastes should be expressly excluded from the definition of hazardous waste.

Commentor: Eagle Tanning Company

Discussion: It is agreed that the definition needs to be clarified to allow those wastes to go to a landfill under an SWA.

Recommendation: Revise 100.2 as follows: "Toxic and hazardous waste" means waste materials, including but not limited to poisons, pesticides, herbicides, fungicides, insecticides, flammable or explosive materials and similar harmful wastes which, because of their physical, toxicological, or chemical properties, are a waste which may not be disposed of in a sanitary landfill. All wastes which are subject to regulation as "hazardous waste" under the federal Resources Conservation and Recovery Act are "toxic and hazardous waste", except wastes which are specifically excluded in 40 Code of Federal Regulations 261.4.

26. Comment:

The establishment of standards for nine additional solvents for paint related wastes in effect produces a new category of waste for which the state has no acceptable facilities. Most of these paint related solvents are much less toxic than the PAHs which have an allowable TCLP of 500 pm. The toxicological rationale for establishing the nine solvent limits is missing, however the limits appear to be artificially low to eliminate paint wastes. It is difficult to make a technical argument that such wastes are "hazardous" when disposed in a landfill. The State of Iowa should use a consistent toxicological approach to establishing any waste limits. It should either permit RCRA nonhazardous waste to be disposed in the state or it should develop a suitable facility for such waste. Iowa has pushed its hazardous waste onto its neighbor states for years.

Commentor:

Deere & Company

Discussion:

Agree. Delete the additional 9 parameters for paint related wastes.

Recommendation:

Revise 102.15(2)e(2) as follows: (2) Paint related wastes require TCLP testing of ~~an additional nine constituents. The additional nine regulatory limits are as follows:~~

Acetone	10.0 mg/l
Butyl alcohol	10.0 mg/l
Ethyl acetate	90.0 mg/l
Ethylbenzene	70.0 mg/l
Isobutanol	10.0 mg/l
Methylene chloride	9.5 mg/l
Styrene	10.0 mg/l
Toluene	100.0 mg/l
Xylene	1000.0 mg/l

Revise 102.15(2)f(2) as follows: (2) Paint, stain, and varnish wastes (filters, overspray, sludges). Analytical testing requirements include the Paint Filtrate Liquids Test, TCLP, and pH, and the additional ~~TCLP organics.~~

27. Comment:

Sub paragraph 102.15(2) f(13) is unclear in the scope of its application. It would appear to be directed toward petroleum-contaminated soils such as those generated by gasoline or oil spills. No guidance is given as to when testing is required. Would testing be required for daily, intermediate, and final cover material used in landfills?

Commentor: Quantum Chemical Corp. (Quantum)

Discussion: This subparagraph is directed toward soil contaminated with coal tar from the clean-up of former manufactured gas plant sites. Sampling would have to have been done when applying for an SWA. The soil could be used for daily cover if included in the permit but not for intermediate or final cover.

Recommendation: No change.

28. Comment: In the U.S. Department of Health and Human Services publication, "Toxicological Profile for Polycyclic Aromatic Hydrocarbons," NTIS number PB91-181537, the table on page 143 (Table 5-5) entitled "Background Soil Concentrations of Polycyclic Aromatic Hydrocarbons (PAHs)" lists the range for urban soil concentrations as 25.19 to 582.86 parts per million parts. The PAHs listed in this table are the same as those listed in the first section of the reference subparagraph except dibenzo(a,h)anthracene is included in the subparagraph, but not in the table, and benzo(e)pyrene is included in the table but not in the subparagraph. Also, the carcinogenic PAH list includes benzo(b)pyrene. Is the intent to list benzo(a)pyrene, which is a well-documented carcinogenic compound? The compounds phenanthrene and pyrene are in the carcinogenic list but are not considered to be carcinogenic.

Commentor: Quantum

Discussion: The compounds in the subrule is the latest EPA list of PAH compounds and may be different than the Department of Health and Human Services publication. The list of carcinogenic PAHs should include benzo(a)pyrene instead of benzo(b)pyrene. Phenanthrene and pyrene are not known carcinogens and should be removed from the carcinogenic list.

Recommendation: Revise 102.15(2)f(13) as follows: (13).....and the total Carcinogenic PAH level is below 100 ppm for compounds: Benzo(a)Anthracene, ~~Benzo(b)Pyrene~~, Benzo(a)Pyrene, ~~Benzo(b)Fluoranthene~~, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3)Pyrene, ~~Phenanthrene, and Pyrene.~~

Mr. Stokes explained that the Commission will need to approve the Economic Impact Statement (EIS) before they can take any final action on the rules. He noted that there will be an increase in cost for the landfills to administer the SWA program. Staff is asking approval of the EIS.

Motion was made by William Ehm to approve the Economic Impact Statement for the Special Waste Authorization Rules. Seconded by Rozanne King. Motion carried unanimously.

EIS APPROVED AS PRESENTED

Mr. Stokes asked for a sense of the Commission regarding the principal concern expressed in the public comments about additional liability that might be placed upon landfills from the standpoint of having a state imposed requirement. Public comments also noted concern with putting responsibility on landfills where they may not have the resources or staff to do the work involved with the SWA program. Mr. Stokes added that a comment was made to eliminate the need for special waste authorizations.

Chairperson Hartsuck pointed out that staff recommendations in response to Comments #11 and #19 are redundant and/or contradictory.

Mr. Stokes noted that staff will review those recommendations.

Discussion followed in regards to possibly using Tonnage Fee or Fish and Wildlife Trust Fund dollars to run the program.

Mr. Stokes explained that the F & W Trust money is set aside for fish and wildlife programs and cannot be used for this purpose. The department's solid waste program has been derived from Oil Overcharge money which is now depleted, and the Tonnage Fee Fund was allocated by the General Assembly for certain uses and it would take legislative action to change it.

Gary Priebe commented that the Commission should have staff look into the ramifications of dropping the program.

Chairperson Hartsuck stated that he thinks landfill operators would oppose dropping the program and he, personally, is against dropping the program altogether. He added that his preference would be to charge an environmental fund. He also suggested making the program a self-policing operation.

Gary Priebe commented that he likes the self-policing idea.

Mr. Stokes stated that he is hearing two alternatives from the Commission, one being to eliminate the SWA program from the department and leave it to the landfills, and the other to look at a self policing scenario.

Discussion took place in regards to the medical waste aspects of SWA rules.

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Mr. Stokes stated that the Commission could choose to adopt certain portions of the rule as he is not sure deregulation of medical waste would not be controversial.

It was the consensus of the Commission to have staff work up rules separating out the medical waste portion, and also look into language in regards to self-policing.

FINAL RULE--CHAPTER 121, LAND APPLICATION OF WASTES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached final rulemaking regarding Ch. 121, "Land Application of Wastes". Public hearing was held May 4, 1993. No persons appeared at the public hearing and no comments were received during the public comment period.

Environmental Protection Commission [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.6(6) and 455B.304(17), The Environmental Protection Commission amends Chapter 121, "Land Application of Wastes," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 14, 1993, as ARC 3912A. A public hearing was held on May 4, 1993. No persons appeared at the public hearing and no comments were received during the public comment period.

1992 Iowa Acts, chapter 1215, section 5, includes a requirement that the Commission adopt rules which prohibit the land application of petroleum-contaminated soils on flood plains. This amendment establishes this prohibition.

This amendment is intended to implement Iowa Code section 455B.304.

The following amendment is proposed.

Amend rule 121.3(455B) by adding the following new subrule:

121.3(3) flood plains. Petroleum-contaminated soils shall not be applied within a flood plain with or without a permit. As used in this subrule, "flood plain" means the land adjacent to a stream which has been or may be inundated by a flood having a magnitude of a 100-year flood.

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules.

Motion was made by Gary Priebe to approve Final Rule--Chapter 121, Land Application of Wastes. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 119, USE OF RECYCLED OILS FOR ROAD OILING, DUST CONTROL AND WEED CONTROL

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached final rulemaking regarding Ch. 119, "Waste Oil" and Ch. 143 "Use of Recycled Oils for Road Oiling, Dust Control, and Weed Control". Public hearing was held May 4, 1993. No persons appeared at the public hearing and no comments were received during the public comment period.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.6(6), the Environmental Protection Commission hereby amends Chapter 119 "Waste Oil" and rescinds subrule 119.3(2) and Chapter 143, "Use of Recycled Oils for Road Oiling, Dust Control, and Weed Control," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 14, 1993, as ARC 3913A. A public hearing was held on May 4, 1993. No persons appeared at the public hearing and no comments were received during the public comment period.

The U.S. Environmental Protection Agency adopted regulations on September 10, 1992, which update prior final or proposed regulations which deal with used oil. This update prohibits the application of oil by anyone to roads or land. Federal law supersedes state law and therefore the provision exists which allows a state to petition the U.S. EPA to be able to continue an existing control program for road oiling. The petition must state how Iowa would prevent the mixing of hazardous waste with the used oil or use of used oil which meets the characteristics of hazardous waste, and how the environmental impacts of used oil would be minimized. The Department does not have the resources to prepare or sustain such a petition, nor does it believe it is appropriate for the protection of the environment of the state of Iowa to do so. Therefore, it is proposed that subrule 119.3(2) and Chapter 143 be rescinded.

The following amendment is adopted.

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ITEM 1. Amend rule 567--119.3 (455D, 455B) as follows:
Rescind subrule 119.3(2).

ITEM 2. Rescind 567--Chapter 143.

Date

Larry J. Wilson, Director

Mr. Stokes stated that this action removes the rules which now allow the use of recycled oil for roads, dust and weed control. He related that this would bring the state into conformance with federal laws.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 119, Use of Recycled Oils for Road Oiling, Dust Control and Weed Control. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR RULEMAKING - LEACHATE CONTROLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt the attached ruling, denying Petitions to amend its current rules regarding leachate controls for existing landfills, for the reasons stated.

(Ruling is shown on the following 3 pages)

BEFORE THE IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION

IN THE MATTER OF:

PETITION FOR RULE MAKING FOR
AMENDMENT TO IOWA ADMINISTRATIVE
CODE 567, CHAPTER 103, SANITARY
LANDFILLS, SECTION 103.2(12)"b"(2)
AND 103.2(12)"c".

LINN COUNTY ENGINEER ON BEHALF OF
LINN COUNTY SANITARY LANDFILL,
CRAWFORD COUNTY AREA SOLID WASTE
AGENCY COMMISSION, SOLID WASTE
MANAGEMENT COMMISSION OF MARSHALL
COUNTY AND OTHERS, PETITIONERS.

RULING OF COMMISSION

The Department received letters dated May 17, 1993, from the Linn County Engineer on behalf of the Linn County Sanitary Landfill and Crawford County Area Solid Waste Agency Commission, both designated as Petition for Rule Making and incorporating by reference a letter from the Solid Waste Management Commission of Marshall County dated February 16, 1993, requesting certain changes in Department Rule 567 IAC 103.2(12) dealing with leachate collection systems in landfills. Identical letter-petitions were also received by the Department from Crawford County Engineer; Crawford County Board of Supervisors; North Central Iowa Regional Solid Waste Agency, Fort Dodge; Landfill of Des Moines, Inc., Steve Corell, President; Buena Vista County Solid Waste Commission; Shamrock Recycle, Inc., Hugh J. Flannigan, President, City of Chariton; Boone County Sanitary Landfill; Newton Sanitary Landfill; Marion County Landfill; Woodbury County Area Solid Waste Agency, Cherokee County Solid Waste Commission; Sac County Sanitary Landfill; Butler County Solid Waste Commission; Richard D. Heller, Environmental Director of Iowa County; Page County Landfill Association; Northwest Iowa Area Solid Waste Agency; Sioux City Manager; and Clinton County Area Solid Waste Agency joining as petitioners.

The Petitions relate to the Department's requirements for leachate control facilities at existing, previously filled areas of landfills. The Petitions request, in summary, 1) that leachate control facilities, at such permitted landfills, not be required to be implemented until notified by the Department after groundwater or surface water contamination has been documented; and 2) that language requiring leachate control facilities for such systems to be

"designed to achieve the lowest possible leachate head above the landfill liner" be deleted.

The Environmental Protection Commission has considered the merits of the letter-petitions and has determined that the letter-petitions are denied for the following reasons:

1. Iowa Code Section 455B.305(6) provides in pertinent part: "Beginning July 1, 1994, the director shall not renew or reissue a permit for an existing sanitary landfill unless the sanitary landfill is equipped with a leachate control system.... The director may exempt a permit applicant from these requirements if the director determines that certain conditions regarding, but not limited to, existing physical conditions, topography, soil, geology, and climate, are such that a leachate control system is unnecessary." Iowa Code Section 455B.304(13) provides that, "Notwithstanding the provisions of this chapter regarding the requirement of the equipping of a sanitary landfill with a leachate control system ... the department shall adopt rules which provide for an exemption (for leachate control) if the sanitary landfill operator is a public agency, if the sanitary landfill has closed or will be closed by July 1, 1992, and will no longer accept waste for disposal after that date, and if at the time of closure of the sanitary landfill, monitoring of the groundwater does not reveal the presence of leachate." Ongoing post closure monitoring is required and leachate control may be required if leachate is later found. The department has administratively concluded that this provision, in conjunction with the later-enacted provision of 455B.305(6), provides an exemption for a landfill closed prior to July 1, 1994.

The legislature provided one clear exemption to the requirement that all landfills be equipped with leachate control systems by 1994. That exemption applies to landfills that will close no later than July 1, 1994. The legislature also allows the Department to waive the requirement for leachate controls if it can be demonstrated that such a system is unnecessary. Consequently, the Department is confident that the legislature intended all active landfills be equipped with leachate control systems unless site-specific investigations and studies confirm that leachate is not present or likely to be generated by the landfill. The language in the petition for rule making would effectively prevent the Department from requiring installation of leachate controls for any areas of the landfill already closed. A blanket exemption as requested by the Petitioners would be contrary to the Iowa Code.

2. The purpose of leachate control systems, and the reason they were mandated by the legislature, is to provide for the collection of as much leachate as practical under site specific conditions thereby reducing the volume of leachate within the landfill which could become a potential threat to the environment. Leachate system design must take into consideration site specific conditions.

The Department has not mandated any particular control technologies for leachate control for inactive areas. Conditions vary greatly from site to site and even within a particular landfill, making the

uniform application of technical solutions impractical. The Department does require that each landfill conduct an investigation of the entire landfill site and submit a report of the findings and describing the alternatives that appear to be a practical means of controlling the leachate.

The deletion of the language requested would leave the Department with no standard for the design of these facilities. We feel that the goal of reducing leachate head as much as possible, and requiring engineers to provide case-by-case justification for the particular control facilities installed, is the proper approach. Certainly having no standard is inappropriate.

For the reasons discussed above, the Environmental Protection Commission hereby denies on its merits the letter-petitions for Rule Making.

Chairman, Environmental Protection
Commission

Date

Mr. Stokes explained the petition for rulemaking and pointed out that staff recommendation is that the Commission deny the petition for the reasons stated. He reviewed that during Public Participation it was indicated that solid waste operators would like staff to visit with them to develop better rule language for leachate control. He related that staff would be agreeable to work with solid waste officials to work up language changes, and if a consensus is met staff can bring it back in a rulemaking action. He asked the Commission to deny the petition for rulemaking because it does not foreclose the department's ability to meet with ISOSWO to improve the rules.

Charlotte Mohr asked if this item can be tabled until after staff meet with landfill officials and then come back in 60 days with a recommendation.

Mr. Murphy stated that there is a 60 day deadline for responding to a petition, but if both parties agree it can be extended.

Motion was made by Charlotte Mohr to table the Petition for Rulemaking on Leachate Controls for 60 days. Seconded by Clark Yeager. Motion carried unanimously.

PETITION TABLED FOR 60 DAYS

Discussion followed regarding what is meant by "lowest possible head." Also discussed was the liner system and daily/top cover.

Director Wilson stated that staff will not back off on what they believe is needed in the way of leachate control.

FINAL RULE--CHAPTER 1, SALES OF GOODS AND SERVICES

Larry Wilson, Director, presented the following item.

The Commission is asked to adopt the attached final rule relating to sales of goods and services.

The only comments received in response to the Notice were oral comments from Deputy Attorney General Elizabeth Osenbaugh. She expressed concern that some of the class consent categories do not seem very well tailored to handle the sales situations encountered by the Commissioners. Specifically, class consent categories 4, 6 and 7 prohibit a Commissioner from participating in the discussion and voting on a matter involving a previous client or customer unless actual consent has been obtained. However, at that time the sales transaction has already occurred and consent cannot be obtained retroactively. In other words, a Commissioner is not going to know whether that client or customer will eventually have business before the Commission in order to obtain consent in advance of the sale.

Staff has not been able to devise a better alternative and, unless the Commission can do so, recommends that the Commission adopt the rules as proposed. Commissioners affected by the above-mentioned categories will have to decide whether to seek specific consent for those types of sales or rely on the class consent category and risk not being able to participate in some future matters before the Commission.

Item 2 is a housekeeping matter recommended by the Code Editor.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3(1) and 68B.4, the Environmental Protection Commission hereby amends Chapter 1, "Operation of Environmental Protection Commission," Iowa Administrative Code.

Rule 1.11(68B) is adopted to comply with Iowa Code section 68B.4, which requires each regulatory agency to adopt rules specifying the method by which officials may obtain agency consent for the sale of goods and services.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 12, 1993, as ARC 3969A. With the exception of Item 2, which merely updates statutory references, there are no substantive changes to the rule as published in the Notice of Intended Action.

This rule is intended to implement Iowa Code section 68B.4

This rule will become effective September 22, 1993.

Item 1. Amend parenthetical implementation in each rule number by striking all references to "71GA, Ch 1245" and inserting in lieu thereof "455A".

Item 2. Amend 567--Chapter 1, implementation sentence as follows:

These rules are intended to implement Iowa Code sections 17A.3(1)"a," 68B.4 and ~~1986 Iowa Acts, chapter 1245, section 1805~~ 455A.6.

Item 3. Amend 567--Chapter 1 by adding the following new rule:

567--1.11(68B) Sales of goods and services.

1.11(1) Prohibition. An official shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations subject to the regulatory authority of the department unless the department consents as provided in this rule.

1.11(2) Definitions.

"Association" means any profit or nonprofit entity that is not a "corporation" or an "individual" as defined in this rule, but does not include any "unit of government" as defined in this rule.

"Commission" means the environmental protection commission.

"Corporation" means "corporation" and "foreign corporation" as defined in Iowa Code sections 490.140 and 504A.2, but does not include any "unit of government" as defined in this rule.

"Department" means the department of natural resources.

"Goods" means personal property, tangible and intangible.

"Individual" means a human being and includes any individual doing business as a sole proprietorship.

"Official" means a member of the environmental protection commission.

"Sale" or "sell" means the process in which goods or services are provided in exchange for money or other valuable consideration. The term does not include purchases of goods or services, nor outside employment activities that constitute an employer-employee relationship.

"Services" means action, conduct or performance which furthers some end or purpose or which assists or benefits someone or something.

"Unit of government" means "United States," "state" and "governmental subdivision" as defined in Iowa Code section 490.140.

1.11(3) Application for consent. An application for consent must be signed by the official requesting consent and submitted as specified in subrule 1.11(4). The application must provide a clear statement of all relevant facts concerning the sale, specify the amount of compensation and how compensation is to be determined, and indicate the time period or number of transactions for which consent is requested. The application must also explain why the sale would not create a conflict of interest or provide financial gain by virtue of the applicant's position within the department.

1.11(4) Consent procedure. Applications for consent must be submitted to the director who will schedule the matter as an informational item at a meeting of the commission. When the informational item is considered, the applicant may explain the application and entertain questions. The director shall schedule the matter to be decided at the second meeting following its consideration as an informational item, at which time the commission shall consider written comments which have been filed with the director and entertain any oral comments. The

commission shall approve or deny the application by voting in the same manner as it determines other matters, except that the applicant shall not vote.

1.11(5) General conditions of consent. Consent shall not be given to an official unless all of the following conditions are met:

a. This condition is satisfied if either of the following paragraphs is met:

(1) The duties or functions performed by the official are not related to the regulatory authority of the department over the individual, association or corporation; or

(2) The duties or functions performed by the official are not affected by the selling of goods or services to the individual, association or corporation.

b. The selling of the goods or services by the official does not include acting as an advocate to the department on behalf of the individual, association or corporation receiving the goods or services.

c. The selling of goods or services does not result in the official selling a good or service to the department on behalf of the individual, association or corporation.

1.11(6) Class prohibitions and consent.

a. The commission concludes that the sales of goods and services described in this paragraph, as a class, constitute the sale of a good or service which affects an official's functions. The department will not consent to sales which fall within the following categories unless there are unique facts surrounding a particular sale which clearly satisfy the conditions listed in subrule 1.11(5).

Sales which are prohibited by rule:

(1) Sales of department information or the sale of services necessary to gather department information, including but not limited to solicitation lists.

(2) Services utilized in the preparation of applications, reports, or other documents which may be approved or reviewed by the commission.

b. The commission concludes that sales of goods or services described in this paragraph do not, as a class, constitute the sale of a good or service which affects an official's functions. Application and department approval are not required for these sales unless there are unique facts surrounding a particular sale which would cause that sale to affect the official's duties or functions, would give the buyer an advantage in its dealings with the department, or otherwise present a conflict of interest.

Sales for which consent is granted by rule:

(1) Nonrecurring sales of goods and services if the official is not engaged for profit in the business of selling those goods or services.

(2) Sale of farm products at market prices to a buyer ordinarily engaged in the business of purchasing farm products.

(3) Sales of goods to general public at an established retail or consignment shop.

(4) Sale of legal, mechanical, or other services at market or customary prices. However, if an official's client or customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).

(5) Sale of goods at wholesale prices to a buyer ordinarily engaged in the business of purchasing wholesale goods for retail sale.

(6) Sale of creative works of art, including but not limited to sculpture and literary products, at market, auction, or negotiated prices. However, if an official's customer has a matter for

decision, before the commission directly or indirectly involving that good, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).

(7) Sale of goods to general public at market or franchiser-established prices. However, if an official's customer has a matter for decision before the commission, the official shall not participate in the discussion and voting on that matter unless consent has been obtained pursuant to subrules 1.11(3) and 1.11(4).

1.11(7) Effect of consent. The consent must be in writing. The consent is valid only for the activities and period described in it and only to the extent that material facts have been disclosed and the actual facts are consistent with those described in the application. Consent can be revoked at any time by written notice to the official.

1.11(8) Public information. The application and consent are public records, open for public examination, except to the extent that disclosure of details would constitute a clearly unwarranted invasion of personal privacy or trade secrets and the record is exempt from disclosure under Iowa law.

1.11(9) Effect of other laws. Neither this rule nor any consent provided under it constitutes consent for any activity which would constitute a conflict of interest at common law or which violates any applicable statute or rule. Despite department consent under these rules, a sale of goods or services to someone subject to the jurisdiction of the agency may violate the gift law, bribery and corruption laws. It is the responsibility of the official to ensure compliance with all applicable laws and to avoid both impropriety and the appearance of impropriety.

Larry J. Wilson, Director

Date

Director Wilson explained that the Code requires each regulatory agency to adopt rules specifying the method by which officials, such as the Commission, may obtain agency consent of sales of goods and services. He related that these are the same rules adopted earlier by the Natural Resource Commission. He expanded on comments made by Elizabeth Osenbaugh regarding class consent categories. Mr. Wilson suggested that if a Commissioner is in doubt about any impropriety in participating in a vote or discussion, it is best to remove his/her self from that item. He added that he has seen some of the Commissioners do that in the past. He recommended adoption of the rules.

Charlotte Mohr asked if a Commissioner needs to submit the required information more than once if they serve on several different boards.

Director Wilson responded that all boards/commissions must be handled separately.

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Motion was made by Rozanne King to approve Final Rule--Chapter 1, Sales of Goods and Services. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 22, SULFUR DIOXIDE EMISSION OFFSETS IN MUSCATINE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The U.S. Environmental Protection Agency has required the department to prepare modifications to the State Implementation Plan (SIP) for air quality to address monitored violations of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide in the Muscatine, Iowa area. The department has been working with regulated industries in the Muscatine area to determine and implement appropriate measures to ensure continued compliance with the NAAQS in Muscatine. It is also necessary to adopt amendments to state regulations specifically addressing emissions offsets from new sources proposing to locate in the area.

Attached is a proposed draft of a rule to limit the impact of sulfur dioxide on ambient air in the Muscatine area.

The Commission is asked to approve the Notice of Intended Action.

**Environmental Protection Commission [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The Commission proposes to adopt a rule to restrict increases in impact of new sources of sulfur dioxide (SO₂) located in certain areas near the City of Muscatine. The intent of the rule is to maintain the National Ambient Air Quality Standards for SO₂ in the area.

This rule may impact industrial expansion and small businesses within the area.

The Department will conduct a public hearing to receive comments on the proposed rule. It will be held , 1993 at .

Persons wishing to make written suggestions or comments concerning the proposed rule should submit them to Peter Hamlin, Environmental Protection Division, Department of Natural

Resources, Wallace State Office Building, Des Moines, Iowa 50319, FAX 515/281-8895 no later than , 1993.

This amendment is intended to implement Iowa Code section 455B.133.

The following rule is proposed.

ITEM 1. Amend 567--Chapter 22 by adding a new rule and renumbering subsequent rules as follows:

567--22.7(455B) Special provisions for sulfur dioxide emissions in the Muscatine area. If a source of air contaminants or modification to a source that is proposed to be permitted causes modeled, worst case, ground level SO₂ concentrations in ambient air to exceed the significance levels in the area bounded by Universal Transverse Mercator coordinates 4583000N to 4586400N and 661000W to 663000W, emission offsets must be achieved prior to startup. The significance levels are those SO₂ concentrations defined in subrule 22.4(4). The offsets obtained must result in decreases equal to, or greater than, the increases in concentrations of SO₂ at allocations within the area comprising ambient air due to the proposed source. The concentrations shall be determined using a suitable dispersion model and shall be calculated for annual, 24 hour and 3 hour averaging periods.

The modeling used to determine concentrations in the area must be in accordance with the 1986 edition of EPA's document "Guideline on Air Quality Models (Revised) (EPA Publication 450/2-78-027R)" as amended by "Supplement A to the Guideline on Air Quality Models (Revised) (EPA Document EPA-450/2-78-027R, Supplement A, July 1987)."

Mr. Stokes briefly reviewed the rules.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

ADDRESS ITEMS FOR NEXT MEETING

The Commission was asked to save the Attorney General Referrals item and Litigation Reports for next month's meeting.

GENERAL DISCUSSION

July 1993

Environmental Protection Commission Minutes


Discussion took place regarding the flood, water sampling, and cleanup to be done after the water recedes.

NEXT MEETING DATES


August 16, 1993
September 20, 1993
October 18, 1993

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 2:55 p.m., Monday, July 19, 1993.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

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MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
July 19, 1993

File Name: ADM-H-H EPC Minut
Initials: JH

Meeting convenes at 10:00 a.m., Monday, July 19, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

APPOINTMENTS:

1. Approve Agenda.
2. Approve Minutes of June 21, 1993.
3. Director's Report. (Wilson) Information.
4. Financial Status Report and FY 94 Budget Summary. (Kuhn) Information.
5. Underground Storage Tank Remedial Contract. (Kuhn) Decision.
6. Selection of Contractor for FY 94 Toxic Cleanup Days. (Kuhn) Decision.
7. Landfill Alternatives Grant Program Applications. (Hay) Information.
8. Information Network for Recyclable Materials Contract. (Hay) Decision.
9. Notice of Intended Action--Chapter 211, Grants for Regional Collection Centers of Conditionally Exempt Small Quantity Generators and Household Hazardous Wastes. (Hay) Decision.
10. Notice of Intended Action--Chapter 101, General Requirements Relating to Solid Waste Disposal. (Hay) Decision.
11. Final Rule--Chapter 212, Loans for Waste Reduction and Recycling. (Hay) Decision.
12. Monthly Reports. (Stokes) Information.
- ~~deleted~~ 13. Stream Use Assessment Methodology. (Stokes) Information.
- ~~deleted~~ 14. Proposed Rule--Air Emission Source Operating Permits. (Stokes) Information.

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15. Notice of Termination--Chapter 82, Well Contractor Certification. (Stokes) Decision.
16. Final Rule--Chapters 40 - 43, Water Supply Rules. (Stokes) Decision.
17. Notice of Intended Action--Chapter 61, Water Quality Standards Antidegradation Policy. (Stokes) Decision.
18. Notice of Intended Action--Chapter 72, Floodplain Development, Protected Streams. (Stokes) Decision.
19. Special Waste Authorization Rules - Economic Impact Statement. (Stokes) Decision.
20. Final Rule--Chapter 121, Land Application of Wastes. (Stokes) Decision.
21. Final Rule--Chapter 119, Use of Recycled Oils for Road Oiling, Dust Control and Weed Control. (Stokes) Decision.
22. Petition for Rulemaking - Leachate Controls. (Stokes) Decision.
23. Final Rule--Chapter 1, Sales of Goods and Services. (Wilson) Decision.
- deleted 24.* Referrals to the Attorney General. (Stokes) Decision.
 - a) City of Waterloo
 - b) AMPEL Corporation (Knoxville)
 - c) Clear Lake Stock Farms, Inc. (Osceola County)
 - d) Carson Grain and Implement (Coggon)
 - e) Marvin Kruse (Mitchell County)
25. Notice of Intended Action--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine. (Stokes) Decision.
26. General Discussion.
27. Address Items for Next Meeting

NEXT MEETINGS:

August 16, 1993

September 20, 1993

October 18, 1993

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 19, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

John Green

City of Sioux City

Sioux City, IA.

Joe Robertson

Solid Waste Mng. Marshall City

Marshalltown, IA.

Jane McAllister

Ahlers Law Firm

DSM

PETE DUFFY

Marion Co. Landfill

Knoxville

Bick Heller

Iowa Co. Landfill

Marengo

JOHN TUTTILL

TUTTILL, Inc.

MARENGO

LES WOLFE

FOX Engineering

AMES

CLIFF SCHERRER

MUSCATINE POWER & WATER

MUSCATINE

DON PRUKEN

MUSCATINE POWER & WATER

MUSCATINE

Amy Christensen Couch

Sullivan & Ward

Des Moines

SARA BUSBY

GBB

W. St Paul

Jim Vreeland

Carroll Co SW

Carroll

Pat W. Brooker

MHW - Solid Waste

MHW

Linda Koelander

Iowa Hospital Assoc

DM

DAF CEST

GROWMARK

BLountiford IL.

Maureen Halterman

1905 Drake St

Carlisle, IA

Maynard Payne

Box 1738

AMES

ENVIRONMENTAL PROTECTION COMMISSION

July 19, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Theresa Kethor

Sen. Demos

DSM

Jack Clagh

Iowa Utility Assoc

DSM

Scott Young

Nye master

DSM

Rick Jenkins

DAVIS LAW FIRM

Des Moines